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MONTANA DEPARTMENT OF ADMINISTRATION

Local Government Services Bureau-Systems Program

301 South Park Avenue Room 340

PO Box 200547

Helena, MT 59620-0547



Phone: (406) 841-2909

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September 14, 2005

STATE DOCUMENTS COLLECTION

MAR 13 2006

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

Montana State Library
1515 E Sixth Avenue
Helena, MT 59620-1800

RE: Local Government Study Commission Reports

As required in 7-3-187, MCA, we are required to forward to the State Library a copy of the final reports of local government study commissions that we receive in our office. Enclosed is a copy of the Town of Nashua's 2004 Local Government Study Commissions report for your files.

Sincerely,

MARLENE A. HUGHES

Program Specialist

Local Government Services Bureau/Systems
841-2900

Enclosure

Contact: James Kammerer – 444-5432
State Library

#2

Nashua Local Government Study Commission
Ron Ost, Chairman
PO Box 168
Nashua, MT 59248-0168

August 2005

Local Government Services Bureau
Dept of Administration
PO Box 200547
Helena, MT 59620-0547

RECEIVED
SEP 14 2005
ADMINISTRATION
LOCAL GOVERNMENT
SERVICES BUREAU

Dear Local Government Services,

The Nashua Local Government Study Commission is submitting the final Report with these changes to required documents.

No public education materials are needed since the proposals put on the ballot are self explanatory.

No transition plan is needed since the effective date of January 1, 2006 will be in place for the next election date.

Sincerely,

Ron Ost.

Ron Ost, Nashua Study Commission Chairman

25

#2.

TOWN OF NASHUA LOCAL GOVERNMENT STUDY COMMISSION

FINAL REPORT

AUGUST 2005
RON OST
DARWIN JOHNSON
JEAN VISTE

RECEIVED
SEP 14 2005
ADMINISTRATION
LOCAL GOVERNMENT
SERVICES BUREAU

NASHUA STUDY COMMISSION FINAL REPORT

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Town of Nashua
Local Government Study Commission

LETTERS TO THE PUBLIC
BY CHAIRMAN
RON OST

After several meetings, public hearings and surveys conducted both written and verbal, we the Nashua Local Government Study Commission proposed and submitted to the Valley County Clerk and Recorder to be put on the ballot, two proposals.

One is for a change to make the election of town officials non-partisan. The other is to elect the town council members at large and abolishing the wards.

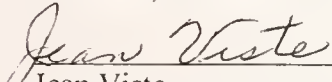
We would like to thank all that have contributed to the study commission and Judy for taking time out to type and record our minutes to the meetings, etc. There was a myriad of possibilities for change but these two proposals seem to have the most support for a subtle but positive change for the present system of government. If there are any questions about the proposals please feel free to contact any one of us. Again thank you for your input. The Study Commission Chairman Ron Ost, and members Darwin Johnson and Jean Viste. A copy of all minutes and the final report will be at the town office in the 705 Front Street Nashua Civic Center for your viewing.



Ron Ost, Chairman



Darwin Johnson



Jean Viste

TO THE CITIZENS OF NASHUA,

The Nashua Government Study Commission consisting of Ron Ost, Darwin Johnson and Jean Viste present this final report.

The purpose of the Government Study Commission, as defined in state law, is "to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state". After completing these two phases of the study, it is the responsibility of the study commission to submit a final report recommending no change, or propose amendment to the existing form of government or offer an alternative form of government to the qualified electors.

In every phase of this review this study commission sought advice and information from as many people in town as possible. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings and Public Hearings of the study commission were open to the public. Articles were submitted in the local paper for several weeks to create interest and to generate ideas and promote the different forms of local government. Public hearings and street surveys of citizens were held to gather attitudes, viewpoints, ideas and concerns.

Recommendations reflect the thoughts and opinions of those who participated in public hearings, meetings and the independent study commission examinations.

In this final report, the study commission is presenting the following recommendations to be placed on the ballot;

1. **Replace existing Commission-Executive (Mayor/Council) Form of Government with Charter form of Government.**
2. **Abolish Ward One and Ward Two for elections of Council members at large.**
3. **Un-incorporate the town of Nashua.**
4. **No change in the form of Government**

The question of adopting these alternatives will be placed on the ballot November 8, 2005.

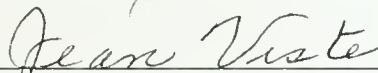
Respectfully submitted by the Nashua Study Commissioners;



Ron Ost



Darwin Johnston



Jean Viste

P.S. A reminder that everyone is invited to the Study Commission Public Hearing for the Final Report Tuesday, August 16, 2005 in the Nashua Civic Center Office beginning at 7:30pm.

**TOWN OF NASHUA
LOCAL GOVERNMENT STUDY
COMMISSION**

**MINUTES
PROPOSED CHANGES
NOTICES OF MEETINGS**

Town of Nashua Local Government Study Commission Meeting Minutes
November 30, 2004

The organizational meeting of the Town of Nashua Local Government Study Commission was called to order at 7:00pm in the Civic Center office by ex-officio Councilperson Roger Wagner. Elected members present were Ron Ost and Darwin Johnson. Appointed member present was Jean Viste.

Also present was Town of Nashua clerk/treasurer Judy Boyum.

Councilperson Wagner outlined the duties of the commission and material was presented to each member. He suggested using the town clerk/treasurer as secretary for the commission however one could be appointed. He suggested a preliminary budget be prepared as soon as possible. The first order of business was selecting a chairman either temporary or permanent. Discussion was held on rotating the chairman position. Councilperson Wagner recommended not rotating. He also reported that the commission will not need to pay the clerk/treasurer out of their budget since the town has offered that service if accepted.

Commissioner Viste moved to nominate Commissioner Ost as chairman. Commissioner Johnson seconded the motion and it carried.

Chairman Ost appointed the town clerk/treasurer to the secretary position. The next meeting date will be Thursday, January 13, 2005 at 7:00pm in the town office of the Civic Center. The agenda will be posted in the three town posting places and possibly put in the River Run News.

Discussion was held on the two mills approved by the town council totaling \$390.00 for the study commission. The commission can request funds in the next fiscal year if needed since this will continue for two years. Posting, copying and mailing costs will be covered by the town.

Chairman Ost reported that he will be able to save mileage costs by riding with his brother to the Study Commission Workshop December 16th and 17th at Bozeman. All members agreed that he should go. Meals and lodging will be reimbursed.

The preliminary budget was set;

Workshop Registration for Ron Ost	\$100.00
Meals and Lodging for Ron Ost	\$100.00
Materials and Supplies	<u>\$190.00</u>
	\$390.00 Total

The secretary will send the minutes to the commissioners as soon as possible after each meeting.

Chairman Ost thanked everyone for coming and will have the agenda out for the next meeting. The meeting adjourned at 7:35pm.



Ron Ost, Study Commission Chairman



Judy Boyum, Secretary

1-13-05

Town of Nashua Study Commission Meeting Minutes, January 13, 2005

Chairman Ron Ost called the Nashua Government Review Study Commission meeting to order at 7:05 in the Civic Center office. Members present were Jean Viste and Darwin Johnson. Ex-officio Roger Wagner and Secretary Judy Boyum were also present.

The Agenda was approved as presented.

The minutes of November 20th were approved as presented.

1. Materials and duties were gone over by the commission. Ron Ost distributed pamphlets he received at Bozeman during the workshop in December.
2. Overview of Local Government Study Commission Workshop was given by Ron Ost. Points he stressed were (a) Make public aware of the meetings and get their input. (b) Setting a time table. (c). Get public input by a survey, a public hearing or by individual interviews. (d) All seven possible forms of government must be studied before a proposal is made to be presented to the voters. (e) Roberts Rule of Order must be followed in large groups but regular meetings can be informal. (f) A time table must be published by February 12, 2005. (g) A preliminary plan must be in place by July 5, 2005. (h) Plan must be filed with clerk and recorder by August 1, 2005 for the November ballot. (i) Two public hearings are required.

Jean Viste moved to use the time table as suggested in the handbook. Darwin Johnson seconded the motion and it carried.

Jean Viste suggested looking at other surrounding towns and their forms of government.

Ron Ost asked that questions and concerns are brought to the next meeting along with suggestions of other possible forms of government to be presented at the first public hearing to be scheduled before February 12, 2005.

3. The Budget was discussed. Items paid were Ost registration \$100.00, Ost travel \$71.45 and two handbooks with postage \$23.00. Remaining budget is \$195.55. Commission decided to have public hearings not surveys because of costs.
 4. No public comments or questions were received.
 5. The next meeting is scheduled for Thursday, January 27th at 7:00 pm
- Darwin Johnson moved to adjourn the meeting. Jean Viste seconded the motion and it carried. Meeting adjourned at 7:55.

Ron Ost 1/27/05
Ron Ost, Chairman

Judy Boyum
Judy Boyum, Secretary

Town of Nashua Study Commission Meeting Minutes, January 27, 2005

Chairman Ron Ost called the Nashua Government Review Study Commission meeting to order at 7:00pm in the Civic Center office. Members present were Jean Viste, and Darwin Johnson. Also present were Sandy Laumeyer of River Run News and Judy Boyum.

Commissioner Johnson moved to approve the minutes of January 13th as presented. Motion was seconded by Commissioner Viste and approved.

The Agenda was approved as presented.

A Public hearing is scheduled for March 18th at 7:00pm in the Civic Center office to obtain input and explain the different forms of government.

Chairman Ost will check to see if the published timetable is required to be sent to the state.

The timetable was revised by motion as follows;

January 13, 2005 - Approved timetable as suggested in handbook

January 27, 2005 - Approved revised timetable and publish in River Run and post

February 14, 2005 - Meet with Council

February 17, 2005 - Meeting

March 18, 2005 - Public Hearing to gather information on the form, functions, ^{Friday} adequacies of town services and problems of Nashua town government

April or May 2005 - Public Hearing

June 2005 - Formulate and exhibit tentative report, following guidelines for final report

July 2005 through August 2005 - Conduct public hearings on final report

August 2005 - Adopt Final Report and submit to Clerk and Recorder for ballot

September 2005 through October 2005 - Publish summary of final report

November 8, 2005 - Election on proposed alternative or amendments

Commissioner Viste stated page 126 shows the commission is to set up recommendations and state the reasons.

Discussion was held on items to present at the public hearing. Questions to be presented;

- What are the reasons you voted for the review?
- What do you want fixed?

● What is the weakness of the present form of Government?

Commissioner Viste stressed the point that dollar signs are not attached to what the commission says or does.

Chairman Ost recommended the following suggestions to be presented;

1. Do away with wards
2. Unincorporated and consolidate with county
3. Charter a self governing form government
4. No change

He also recommended gathering information from Council members and town employees.

The commission will draw the seven forms of government charts on paper provided by Sandy Laumeyer. The charts will be available at the public hearing on March 17th.

Commissioner Viste commented on the age of town residents in regards to expectations at the public hearings and input. The town is mostly retired individuals and a bedroom town for working residents.

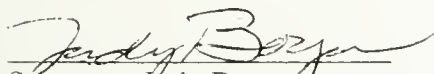
The commission will request a place on the town council meeting agenda on February 14th to gather information. The commission has a set of questions for the council members to consider. Employees will also be questioned.

Sandy Laumeyer said the River Run will publish items from the Commission with no charge as news articles.

The next meeting date was set for 7:00pm, Thursday, February 17; 2005. Items on the agenda will pertain to information gathered from the council and employees.

Commissioner Johnson moved to adjourn, and Commissioner Viste seconded it. Motion carried.

Meeting adjourned at 8:30.


Secretary, Judy Boyum


Chairman, Ron Ost

Nashua Study Commission Minutes, February 28, 2005

President Ron Ost called the Nashua Study commission meeting to order at 7:30 in the Nashua Senior Citizens hall. Present were Darwin Johnson, Jean Viste and Judy Boyum. The meeting followed the Valley County Commissioners visit and presentation by the County study commission. Questions on the status of Hinsdale as an unincorporated town were answered by the County Commissioners.

Approval of agenda was given by vote.

Approval of the previous meeting was given by vote.

Discussion was held on the items for presentation at the Friday, March 18th Public Hearing. Jean Viste will make all the charts. A chart of the percentages of tax of the town was made available to Jean Viste. She reported on her visit with Fort Peck clerk/treasurer in regards to the Charter form of government. Superior had responded to charter informational email also.

Signs will be made and hung through out the town advertising the Public Hearing. River Run will be asked to advertise also.

Meeting adjourned by vote of members.


Judy Boyum, Secretary


Study Commission Chairman

Study Commission Minutes of Public Hearing, March 18, 2005

Present were commission members Ron Ost, Darwin Johnson, Jean Viste and ex-officio Roger Wagner. Also present were Elmer (Red) Whitten, Robert Kirby, Jay Allan, Terry Pointer, Sandy Laumeyer and Judy Boyum.

Chairman Ron Ost called the public hearing to order at 7:10 P.M. in the Nashua Civic Center Office. He presented the options that the study commission is considering.

He then asked for questions and input.

Jean Viste asked "Why did the town vote for a review?"

Bob Kirby asked "why isn't there any interest?"

Jay Allan stated "I didn't vote for it."

Red Whitten asked if a charter was ever found. Ron Ost presented the incorporation documents of the town.

Ron Ost asked the group their opinion of wards or elections at large. Terry Pointer and Jay Allan responded that it sounded like a better way to elect representatives.

Ron Ost asked if the town should "disincorporate"; consolidate with county or opinion on duplicated services. Red Whitten asked "how many services could be combined or how many are duplicated and see the advantages or disadvantages.

Ron Ost asked if the item is worth putting on the ballot. Response was that it could be worth checking into the services.

Ron Ost asked if people would support partisan elections. Consensus thought it would not be a good idea.

Ron Ost read the description of government self governing powers.

Roger Wagner asked that the group consider the fiscal note as to what it will cost to initiate the changes.

Ron Ost asked if the services are adequate and cost effective. Jay Allan responded that he had to chase his garbage can down the street and that pickup was too early for him to get his can out to the street again.

Ron Ost said water and sewer costs are going up. He asked what services can be merged with others?

Robert Kirby asked about consolidating services like fire departments to write grants.

Ron Ost said the fire departments could merge and form a fire district. He went on to say that interlocal agreements could be made to purchase office supplies like paper.

Ron Ost asked what problems have been identified.

Cost are going up. Revenues are unchanged. Cut the cost of government is needed. The population is shrinking. A question was asked if it is beneficial to go in with Glasgow like an annexation.

Ron Ost said equipment like a snow plow could be purchased and shared with Glasgow or some other government. Cooperation between the County and Town is needed. The downside would be the loss of identity.

A County Council could be formed with a representative from each town.

Ron Ost said modern technology expertise is needed and engineering cost need to be addressed.

Ron Ost said a manager could be hired to replace the three county commissioners. The members of the group thought the manager would need more money than the commissioners.

Ron Ost said the group is looking for answers to problems and is open to any suggestions.

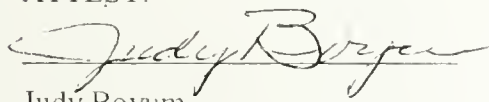
Ron Ost said there is a need to improve the professionalism of the city form of government or the professionalism of the County.

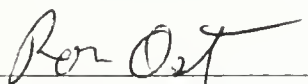
He asked if his articles in the River Run have been helpful. Robert Kirby responded that it helped him understand the forms of government.

Charts of the different forms of government were on display for the group.

Ron Ost closed the meeting at 8:00P.M. and scheduled the next meeting for April 7, 2005 at 7:00 P.M. in the Civic Center office.

ATTEST:


Judy Boyum


Approved; Ron Ost Chairman

Nashua Study Commission Meeting Minutes, June 14, 2005

President Ron Ost called the meeting of the Nashua Study Commission to order at 7:30 in the Civic Center office with Darwin Johnson and Judy Boyum in attendance.

The agenda was approved as presented. The Minutes of the March 18, 2005 Public Hearing was approved as read.

No one was present for public input.

A note was made that the April 7th meeting had been cancelled.

Discussion was held on the public input of the Hearing.

The items of concern at the hearing were election of council members from wards at large, unincorporated town, change form of government to Self Governing Charter, and no action.

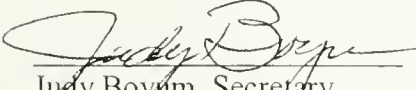
Ron Ost presented the Table of Contents for the Final Report. A letter to citizens of Nashua will be presented at the next meeting.

Meeting dates were set for June 28th, July 12th, July 26th, August 9th and August 16th. The final Report will be submitted to the Clerk and Recorder before the August 24th deadline.

The letter and the preliminary Final report will be finalized at the June 28th meeting.

A Public Hearing date will be set at the July 26th meeting.

The meeting adjourned.


Judy Boyum, Secretary
6-28-05



Ron Ost, Study Commission President

Town of Nashua Study Commission Meeting Minutes of June 28, 2005

Study Commission Chairman Ron Ost called the meeting to order at 7:30pm, June 28, 2005 in the Nashua Civic Center office with members Darwin Johnson and Jean Viste present. Also present was Judy Boyum.

The Meeting minutes of June 14, 2005 were approved as presented.

No public comments or opinions were given.

Ron Ost read the draft of the letter to the citizens of Nashua. Changes were made to shorten the document.

The four items proposed are:

1. Replace existing Government form of Commission-Executive(Mayor/Council) Form with the Charter Form
2. Abolish Wards One and Two to have council members elected at large.
3. Un-incorporate the town of Nashua.
4. No change in the form of Government.

Certificates of documents as required for Exhibits in the Final Report were discussed.

Darwin Johnson and Jean Viste will prepare the wording on the four items to be placed on the ballot for the November 8, 2005 election.

Ron Ost will work with the Secretary on the other certificates.

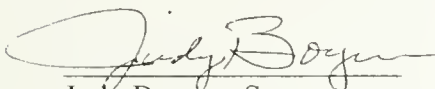
Public Hearings are scheduled for July 26, 2005 and August 16, 2005 before the Final Report is submitted on August 24, 2005.

The next meeting is scheduled for July 12, 2005 at 7:30. Jean Viste stressed that the public should attend these meetings.

Meeting was adjourned at 8:35pm.



Chairman, Ron Ost



Judy Boyum, Secretary

7-12-05

Town of Nashua Study Commission Meeting Minutes of July 12, 2005

Study Commission Chairman Ron Ost called the meeting to order at 7:30pm, July 12, 2005 in the Nashua Civic Center office with member Jean Viste present. Also present was Judy Boyum and Mayor Allen Bunk.

The Meeting minutes of June 28, 2005 were approved as presented.

Allen Bunk stated he is in support of the election at large but questions the other issues to be presented to the voters.

Jean asked what the specific advantages the Charter form would be for a small town like Nashua and what the changes would cost the town to implement. Would it be worth the expense for changing since there are no resources to develop such as power generating? Certificates of documents as required for Exhibits in the Final Report were discussed. No motion was made to put all four issues on the ballot.

Jean stated that if no input is heard at the public hearings, there will be no reason to put issues on the ballot. She thought everyone should be encouraged to attend meetings so study commission members can find out what is desired and make recommendations for the ballot. Allen Bunk stated that other commissions have recommended "no change" after the study process.

Discussion was held on extending the study for another year and having a special election in 2006. The cost would increase since the next town election is 2007.

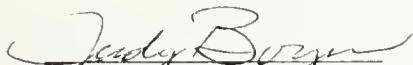
Ron Ost will call Ken Weaver on questions of how many issues should be placed on a ballot, ballot wording, time frames of proposed change implementation, cost savings to small towns changing to charter form of government and how much proposed changes would cost towns.

The certificate of existing government was presented for editing.

The secretary was asked to prepare the ballot wording from the Ordinances on changes for abolishing the wards.

The next meeting was set for Thursday, July 14, 2005 at 7:30 and the Public Hearing will be July 26, 2005 at 7:30.

Meeting adjourned at 8:30.


Judy Boyum, Secretary


Chairman, Ron Ost

Town of Nashua Study Commission Meeting Minutes, July 19, 2005

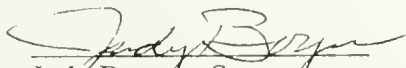
Chairman Ron Ost called the Tuesday, July 19th meeting of the Nashua Government Review to order at 7:30 in the town office of the Civic Center. Present were members Jean Viste and Darwin Johnson. Also present was Judy Boyum.

The agenda was approved by motion of Darwin Johnson and second of Jean Viste.

Ron Ost gave a report on his talk with Ken Weaver. He will check on prices of putting issues on the ballot with the clerk and recorder.

Discussion was held on the public participation. The commission will not put items on the ballot if interest in the four issues is not shown at the public hearing on July 26, 2005. Darwin Johnson moved to adjourn at 8:05. Jean Viste seconded the motion and Ron Ost adjourned.


Chairman Ron Ost


Judy Boyum, Secretary

Public Hearing Minutes on Nashua Study Commission, July 26, 2005

Study Commission member Darwin Johnson called the Public Hearing to order at 7:00pm in the Civic Center Office. Other members present were Jean Viste and Roger Wagner. Also present were David J. Rexhausen, Walter Murch, Jerry Schaldack, Robert Gunsch, Larry A. Fuhrmann, Diane Carmen, Bob Kirby, Elmer (Red) Whitten, Sandy Laumeyer, Carl Laumeyer and Judy Boyum.

The hearing was open to discussion after Jean Viste spoke about the government forms available to Montana towns.

Discussion was held on changing wards, duplication of services with the county, law enforcement and purchase of a farm truck by the town.

Consensus of the group was to keep the form of government since it has served the town for almost 90 years but to change the wards since population has declined. Mayor Bunk has stated that an ordinance will be formed to change the two wards so election will be held at large.

Darwin Johnson handed out questionnaires to those present to gather opinions on the present form of government.

The Public Hearing adjourned at 8:30.

The next regular meeting of the Study Commission will be August 9, 2005

Ron Ost

Ron Ost, Chairman

Judy Boyum
Judy Boyum, Secretary

approved 8/22/05

Nashua Study Commission Meeting Minutes, August 16, 2005.

The August 16, 2005 meeting of the Nashua Study Commission was held in the Civic Center beginning at 7:40 with members Darwin Johnson and Jean Viste. There were no visitors.

Members Darwin Johnson and Jean Viste studied the letter from Attorney James Rector...

Darwin reported that absent member Ron Ost wanted the Study Commission to put on the ballot: (1) to disincorporate the town of Nashua

(2) Leave the town of Nashua as it is operation now.

Commission member Jean Viste questioned this. (1) Reasoning---at the public meeting it was the general opinion to leave the government as is: (2) Is there any record of anyone publicly voicing this issue? Does the Commission have the authority to put material on the ballot? Contradictory to the last meeting minutes. Tabled until Monday August 22, 2005.

City Attorney James D. Rector had written a memo to Mayor Bunk. In this memo he suggest that the commission talk to Ken Weaver for the information on MCA 7-3-113 on non partisan elections and for ballot initiatives. Jean Viste will call Mr. Weaver and request said information.

Respectfully submitted by Jean Viste

Jean Viste

Commission member Darwin Johnson

Darwin Johnson
approved 8/22/05

Ron Ost

Attest:
Judy Bryer

Nashua Study Commission Minutes, August 22, 2005

Chairman Ron Ost called the meeting to order at 7:30 in the Civic Center Gym to accommodate the crowd.

Members Jean Viste and Darwin Johnson were present. Also present were Judy Boyum and 26 public participants as shown on the attached sheet.

The agenda and minutes of the previous meeting were approved.

Ron Ost spoke to the public on the issues to be put on the November ballot as recommended by the commission.

Audience was encouraged to respond to the Ward changes.

The memo from James Rector to Mayor Allen Bunk was read.

Partisan election versus Non-Partisan election was discussed.

Jean Viste noted that Ken Weaver recommended not to address the treasurer issue at this time. Commission members agreed.

Un-incorporation of the town was discussed.

The survey was discussed and many in the audience wanted to take the survey.

A show of hands was suggested by Dave Pippin rather than running off copies.

Jerry Arnold of Hinsdale spoke on the advantages his community has by not being incorporated. Dave Pippin of the Valley County Commissioners spoke on the issue also.

The audience was asked to raise their hands to show their support of keeping the town incorporated. Eighteen showed support of the incorporation.

The audience was asked to show support of putting the change of Wards to have official elections held at large.

A suggestion was to have elections of one council candidate from the two wards and then two council candidates elected at large. Thirteen voted in favor of the elections at large and abolish the Wards.

The Study Commission will submit the following as the official ballot to the Clerk and Recorder on Tuesday.

Certificate C
ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 8, 2005 ELECTION

Instructions to voters: Place an X in the boxes which
Express your preferences.

PLEASE VOTE ON BOTH PROPOSALS

1.

Vote for One

FOR non-partisan election of Town of Nashua officials

AGAINST non-partisan election of Town of Nashua officials

2.

Vote for One

For Town of Nashua council members to be elected at large and
Abolish Wards

AGAINST Town of Nashua council members to be elected at large
and keep Wards.

We, the Study Commission of the Town of
Nashua do hereby certify that this is the
official ballot approved by the Study
commissioners of the Town of Nashua. In
Testimony whereof, we set our hands.

Done at Nashua, Montana this 22nd day of
August, 2005

Ron Ost

Ron Ost

Darwin Johnson

Darwin Johnson

Jean Viste

Jean Viste

Local Government Study Commissioners

ATTEST;

Judy Boyum
Clerk, Town of Nashua

The Study Commission thanked everyone for coming to the meeting.
Final wording was discussed, printed and signed by all Study Commission members.

Submitted by

Judy Boyum
Judy Boyum, Clerk

Approved

8/23/05
by Ron Ost

8-22-03

- 1 Smoky Stove
- 2 Lillian Stove
- 3 John Eggert
- 4 David R. Pippin
- 5 Sheryl Turner
- 6 Pat Hallett
- 7 Kay K. Opp
- 8 Jerry Ann D. Hirsdale
- 9 Bob Hickman
- 10 Helen Hickman
- 11 Don Hickman
- 12 Linda Falkenstein
- 13 Ronald Opp
- 14 Arthur Hirsdale
- 15 Gloria Wessler
- 16 Joyce Peters
- 17 Shirley Dwinand
- 18 Chuck Salk
- 19 Shirley England
- 20 Len C. H. Land
- 21 Elva Erickson
- 22 Saml. Schlabach
- 23 Larry Bergstrom
- 24 Margie Turner
- 25 Kenneth Turner
- 26 Philip Turner

Certificate C
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AGAINST non-partisan election of Town of Nashua officials

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Vote for One

For Town of Nashua council members to be elected at large and
Abolish Wards

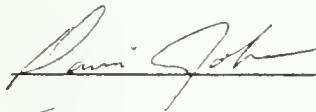
AGAINST Town of Nashua council members to be elected at large
and keep Wards.

We, the Study Commission of the Town of
Nashua do hereby certify that this is the
official ballot approved by the Study
commissioners of the Town of Nashua. In
Testimony whereof, we set our hands.

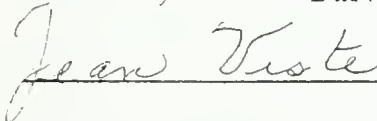
Done at Nashua, Montana this 22nd day of
August, 2005



Ron Ost



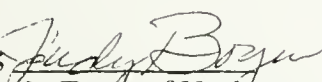
Darwin Johnson



Jean Viste

Local Government Study Commissioners

ATTEST;


Clerk, Town of Nashua

Town of Nashua Local Government Study Commission
Regular Meeting Agenda
7:00pm, Thursday, January 13, 2005

Call to Order by Chairman Ron Ost

Approval of the agenda

Approval of Meeting Minutes of November 30, 2004

1. Discussion of materials and duties

Action taken;

2. Overview of Local Government Study Commission Workshop by Chairman Ost

Action taken;

3. Budget Review

Action taken;

4. Other -

Action taken

5. Open for Public Comments or Questions

6. Adjourn

Next Meeting date _____

Town of Nashua Local Government Study Commission
Regular Meeting Agenda
7:00pm, Thursday, January 27, 2005

Call to Order by Chairman Ron Ost

Approval of the agenda

Approval of January 13, 2005 Meeting Minutes

1. Setting date and place of public hearing
2. Items to be presented at the public hearing
3. Open for Public Comments or Questions

Set next meeting date

Adjourn

Town of Nashua Local Government Study Commission
Regular Meeting Agenda
7:00pm, Thursday, February 17, 2005

Call to Order by Chairman Ron Ost

Approval of the agenda

Approval of January 27, 2005 Meeting Minutes

1. Open for Public Comments or Questions
2. Items for Public Hearing

Set next meeting date

Adjourn

Town of Nashua Local Government Study Commission
Regular Meeting Agenda
Nashua Senior Citizens Center
Monday, February 28, 2005 after County meeting (possibility of 7:30pm)

Call to Order by Chairman Ron Ost

Approval of the agenda

Approval of February 17, 2005 Meeting Minutes

1. Open for Public Comments or Questions
2. Items for Public Hearing

Set next meeting date

Adjourn

Town of Nashua Local Government Study Commission
Meeting Agenda
Nashua Civic Center Office
Thursday, April 7, 2005

Call to Order by Chairman Ron Ost

Approval of the agenda

Approval of February 28, 2005 Meeting Minutes

Approval of March 18, 2005 Public Hearing Minutes

1. Open for Public Comments or Questions
2. Discussion on input from Public Hearing
3. Produce First Draft of Recommendations

Set next meeting date

Adjourn

Town of Nashua Local Government Study Commission
Meeting Agenda
Nashua Civic Center Office
7:30 pm
Thursday, July 14, 2005

Call to Order by Chairman Ron Ost

Approval of the agenda

Approval of previous meeting minutes

1. Open for Public Comments or Questions
2. Report on Ken Weaver information- Ballot issues, wording, time frames of changes, cost of elections, cost savings and benefits of the charter form of government for small towns
3. Forming recommendations
4. Planning of Public Hearings of July 26 and August 16

Set next meeting date

Adjourn

Public Hearing Notice
Nashua Government Review
Tuesday, July 26, 2005
7:30pm

The Nashua Government Study Commission Public Hearing will be held Tuesday, July 26, 2005 in the Nashua Civic Center beginning at 7:30pm for public input.

The Study Commission has prepared four ballot issues and is requesting input from the public on the recommendations before finalizing the document.

Comments oral or written can be made at the meeting, by emailing townofnashua@nemontel.net, or by mail to PO Box 47, Nashua, MT 59248.

Copies of the recommendations considered or other information can be obtained at the Town of Nashua office at 705 Front Street during the hours of 9:00am to noon then from 1:00pm to 5:00pm on Monday, Wednesday or Friday.

**Town of Nashua Local Government Study Commission
Meeting Agenda
Nashua Civic Center Office
7:30 pm
Tuesday, August 9, 2005**

Call to Order by Chairman Ron Ost

Approval of the agenda

Approval of previous meeting minutes

1. Open for Public Comments or Questions
2. Rector Memo on Ward changes
3. Forming recommendations
4. Planning of Public Hearing August 16

Set next meeting date

Adjourn

**Public Hearing Notice
Nashua Government Review
Tuesday, August 16, 2005
7:30pm**

The Nashua Government Study Commission Public Hearing will be held Tuesday, August 16, 2005 in the Nashua Civic Center beginning at 7:30pm for public input. The Study Commission has prepared a ballot for abolishing the Wards in the town and is requesting input from the public on the recommendation before finalizing the document.

Comments oral or written can be made at the meeting, by emailing townofnashua@nemontel.net, or by mail to PO Box 47, Nashua, MT 59248.

Copies of the recommendation considered or other information can be obtained from Study Commission members or at the Town of Nashua office at 705 Front Street during the hours of 9:00am to noon then from 1:00pm to 5:00pm on Monday, Wednesday or Friday.

Town of Nashua Local Government Study Commission
Meeting Agenda
Nashua Civic Center Office
7:30 pm
Monday, August 22, 2005

Call to Order by Chairman Ron Ost

Approval of the agenda

Approval of previous meeting minutes

1. Open for Public Comments or Questions
2. **Ballot Wording: Un-incorporation of the Town of Nashua** - Thus with no elections necessary
3. Finalizing recommendations
- 4.

Set next meeting date

Adjourn

**Town of Nashua Local Government Study Commission
Meeting Agenda
Nashua Civic Center Office
7:0 pm
Tuesday, August 23, 2005**

Call to Order by Chairman Ron Ost

Approval of the agenda

Approval of previous meeting minutes

1. Open for Public Comments or Questions
2. Final Report work meeting
4. Other

Set next meeting date

Adjourn

Public Hearing Notice
Nashua Government Review
Tuesday, July 26, 2005
7:30 p.m.

The Nashua Government Study Commission Public Hearing will be held Tuesday, July 26, 2005 in the Nashua Civic Center beginning at 7:30 p.m. for public input.

The Study Commission has prepared four ballot issues and is requesting input from the public on the recommendations before finalizing the document.

Comments oral or written can be made at the meeting, by emailing townofnashua@remontel.net, or by mailing them to P.O. Box 47, Nashua, MT 59248-0047.

Copies of the recommendations considered or other information can be obtained at the Town of Nashua office at 705 Front Street during the hours of 9:00 a.m. to 12 noon then from 1:00 p.m. to 5:00 p.m. on Monday, Wednesday, or Friday.

(Published July 14, 2005)

AFFIDAVIT OF PUBLICATION

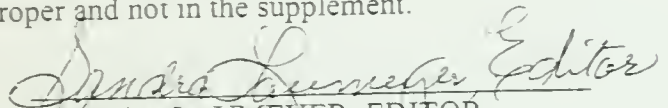
STATE OF MONTANA
County of Valley

Sandra Laumeyer being duly sworn, upon oath says: That she is the Editor of The River Run News, a newspaper of general circulation published once each week at Nashua, in the county of Valley, State of Montana. That the notice hereunto attached was published in the said River Run News for ~~Two~~ ^{One} (2) successive weeks.

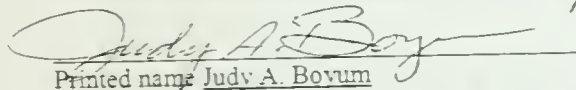
That the first publication was on the 14 day of July, 2005.

That the last publication was on the day of , 2005.

That the said notice was published in the regular and entire issue of every number of the said River Run News, during the period and time of said publication, and in the newspaper proper and not in the supplement.


SANDRA LAUMEYER, EDITOR

Sworn to and subscribed before me this 27th day of July, 2005.



Printed name Judy A. Bovum

Notary Public for the State of Montana

County of Valley

Residing at Nashua

(seal)

My commission expires November 18, 2007

Cost of Publication \$6.00

The Nashua Government Study Commission Public Hearing will be held Tuesday, August 16, 2005 in the Nashua Civic Center beginning at 7:30pm for public input

The Study Commission has prepared a ballot for abolishing wards in the town and is requesting input from the public recommendation before finalizing the document.

Vote for one:

For abolishing the two wards in the Town of Nashua thus requiring elections of council members to be held at large, not just within the wards

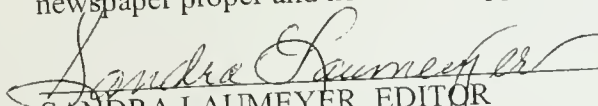
Against abolishing the two wards in the Town of Nashua thus keeping elections of council members from within the ward in which they reside

Comments oral or written can be made at the meeting, by emailing townofnashua@nemontel.net, or by mail to PO Box 47, Nashua, MT 59248

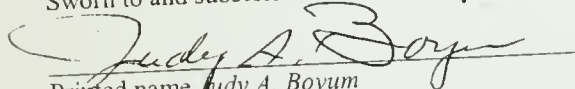
Copies of the recommendation considered or other information can be obtained from Study Commission members or at the Town of Nashua office at 705 Front Street during the hours of 9:00 a.m. to 12 noon then from 1:00 p.m. to 5:00 p.m. on Monday, Wednesday or Friday

AFFIDAVIT OF PUBLICATION
STATE OF MONTANA
County of Valley

Sandra Laumeyer being duly sworn, upon oath says: That she is the Editor of The River Run News, a newspaper of general circulation published once each week at Nashua, in the county of Valley, State of Montana. That the notice hereunto attached was published in the said River Run News for 1 week (1) successive weeks. That the first publication was on the 10th day of Aug, 2005. That the last publication was on the 10th day of Aug, 2005. That the said notice was published in the regular and entire issue of every number of the said River Run News, during the period and time of said publication, and in the newspaper proper and not in the supplement.


SANDRA LAUMEYER, EDITOR

Sworn to and subscribed before me this 12 day of August 2005.


Printed name Judy A. Boyum
Notary Public for the State of Montana
County of Valley
Residing at Nashua

My commission expires November 18, 2007

(Seal)

Cost of Publication \$12

1888
A
The [illegible] [illegible]
[illegible] [illegible]

Town of Nashua

EXHIBIT
A
EXISTING FORM OF
GOVERNMENT

POLICY-MAKING AND ADMINISTRATIVE STRUCTURE

The Town of Nashua was incorporated in 1917 as prescribed by law at that time. The Council consisted of two members elected in each of the 2 wards. The Mayor is elected at large.

1. Responsibilities of the Mayor.

- Enforce laws, ordinances and resolutions
- Perform duties required by law
- Administer affairs of the Town of Nashua
- Carry out responsibilities of established by the council
- Recommend measures to the council
- Report to the council all financial affairs and conditions
- Report to the council as it may require
- Attend and conduct meetings and take part in discussions
- Enter into contracts with the council approval
- Execute the budget adopted by the council
- Appoint, with council consent, all board members or with out consent temporary advisory committees

2. Responsibilities of the Council members

- Attend monthly scheduled meetings and others as needed.
- Accept a role as chairman of a specific activity such as Civic Center, Cemetery, Streets, Utility, Council, etc. as directed by the Mayor
- Participate in the functions of the local government as related to the Mayor's list of responsibilities
- Represent the citizens of the Town of Nashua
- Vote on issues of the town
- Adopt a budget
- Review financial and town activities reports

JOB DESCRIPTION OF NASHUA MAINTENANCE & WATER/WASTEWATER SUPERINTENDENT POSITION

1. **Police up Front Street every morning – 5 days a week.**

- Pick up garbage, cans, papers, etc. on Front Street from railroad track to Post Office.
- Empty garbage cans on Main Street once a week.

2. **Check wells and pumps**

- Check function of each pump, locate fuse box, telephone lines, etc
- Be able to identify possible pump failure
- Be able to log amount of water pumped during last 24 hours.
- Be able to demonstrate how to obtain water levels in well.
- Sweep and clean pump house once a month – do not let garbage accumulate. It is subject to inspection by State Officials.

3. **Chlorine Check**

- Locate chlorine rooms.
- Check chlorine indicator for proper function.
- Be able to identify possible pump failure.
- Demonstrate mask to be used for changing chlorine tank and explain why wearing mask is important when checking out chlorine problems.
- ~~Identify how and where to order more chlorine tanks, and where chlorine tank is left to be picked up by supplier.~~ Know how liquid chlorine is added to system.

4. **Sewer lift Station (Sanitary)**

- Where sanitary lift station is located
- Where warning light is located
- Function of pumps-
- Clean trash basket on schedule
- Identify failure-problems.
- How the probes function
- Identify how sewage is pumped to lagoon.
- Who to call in the event of electrical failure

5. **Sanitary Lagoon**

- Identify location – function – testing, discharge and reporting
- Locate storm sewer manholes
- Identify problem on dike
- Identify pump at lagoon where sewage drains into cell.

6. **Plugged Sewer**

- Identify problem
- Locate clean-out stands
- Methods used to unplug sewers.
- Where Town's responsibility starts.
- Where property owners responsibility starts.
- Locate manholes.
- How to clear sewers of tree roots (use of chemicals and their cautions).
- How to use the snake to clean out plugged line.

JOB DESCRIPTION OF NASHUA CLERK/TREASURER

DAILY.

1. Get mail – answer, sort, file, etc.
2. Receipt utility billing payments
3. Receipt taxes and other town revenue
4. Figure deposits and take to bank
5. Type letters
6. Answer telephone
7. Order supplies

Bi-Weekly

1. Figure bi-weekly payroll and issue checks
2. Make Experience Works(Green Thumb) bi-weekly reports

Monthly

1. Balance Utility Billing
2. Issue Utility Bills on last working day of the month.
3. Fill out claims with expense account numbers
4. Issue checks for Mayor or Council Chairman to sign.
5. Print out issued checks
6. Type agenda for meeting with Mayor approval
7. Take minutes of Council meetings and type 7 copies
8. Figure payroll and issue checks
9. Issue monthly Payroll liability before due date (usually the 15th)
10. Report to Bureau of Labor Statistics
11. Print out employee vacation and sick pay
12. Balance Cash Receipts
13. Balance Cash Disbursements
14. Reconcile town bank statement
15. Prepare Treasurers Report
16. Check Investment balances and record interest to each fund
17. Print Fund Balance report – Budget Vs Actual of Expense and Revenue
18. Print Trial Balance
19. Prepare Journal Vouchers
20. Reconcile Fire Dept. Relief bank statement
21. Report on CDBG loan repayment program

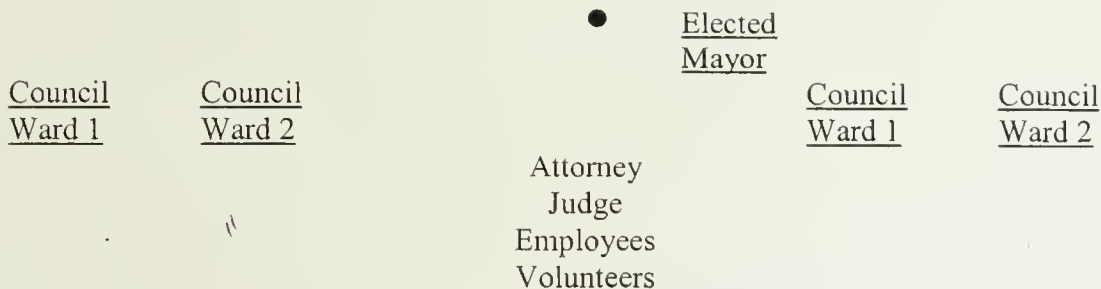
Quarterly reports

1. Federal 941
2. State
3. Workers Compensation
4. Unemployment Insurance Division
5. Any other as required by law

Annual

1. Issue Fire Dept. Relief retirement checks (December)
2. Make year end adjustments
3. Close year
4. Type W-2s
5. Type 1099s

Chart of Organization-



5. Compensation of officials?

Mayor \$100 per month, Council \$50 per month, Budget meeting each is paid \$75

Responsibilities – council members are appointed to oversee a specific department.

Chairman - John Egosque, Streets/Utility – Roger Wagner, Civic Center-Linda

Falkenstern, Cemetery/Garbage-Pat Hallett

Property tax revenue is frozen at \$35,000 and is budgeted to the General Fund, Liability Insurance, PERS, Health Insurance, Volunteer Fire Department, Firemen Disability and Emergency Disaster.

Enterprise funds consist of Water, Sewer and Garbage.

Street lighting is funded by Special Improvement District #1 on property.

Law Enforcement is funded in the General fund and contracted with Valley County.

The Town of Nashua Study Commission Members do hereby certify that the above document is a true statement of the existing form of Government for the Town of Nashua.

Ron Ost
Chairman Ron Ost

Jean Viste
Member Jean Viste

Darwin Johnson
Member Darwin Johnson

Town of Nashua

EXHIBIT
B
CERTIFICATE OF
PROPOSED CHANGES

Certificate C
ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 8, 2005 ELECTION

Instructions to voters: Place an X in the boxes which
Express your preferences.

PLEASE VOTE ON BOTH PROPOSALS

1.

Vote for One

FOR non-partisan election of Town of Nashua officials

AGAINST non-partisan election of Town of Nashua officials

u

2.

Vote for One

For Town of Nashua council members to be elected at large and
Abolish Wards

AGAINST Town of Nashua council members to be elected at large
and keep Wards.

We, the Study Commission of the Town of
Nashua do hereby certify that this is the
official ballot approved by the Study
commissioners of the Town of Nashua. In
Testimony whereof, we set our hands.

Done at Nashua, Montana this 22nd day of
August, 2005

Ron Ost

Ron Ost

Darwin Johnson

Darwin Johnson

Jean Viste

Jean Viste

Local Government Study Commissioners

ATTEST;

Fredy Bozeman
Clerk, Town of Nashua

Town of Nashua

EXHIBIT
C
CERTIFICATE OF
ESTABLISHING ELECTION DATE AND WORDING
ON THE BALLOT

Certificate C
ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 8, 2005 ELECTION

Instructions to voters: Place an X in the boxes which
Express your preferences.

PLEASE VOTE ON BOTH PROPOSALS

1.

Vote for One

FOR non-partisan election of Town of Nashua officials

AGAINST non-partisan election of Town of Nashua officials :

2.

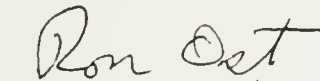
Vote for One

For Town of Nashua council members to be elected at large and
Abolish Wards

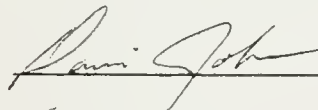
AGAINST Town of Nashua council members to be elected at large
and keep Wards.

We, the Study Commission of the Town of
Nashua do hereby certify that this is the
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commissioners of the Town of Nashua. In
Testimony whereof, we set our hands.

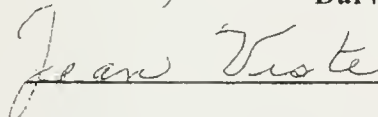
Done at Nashua, Montana this 22nd day of
August, 2005



Ron Ost



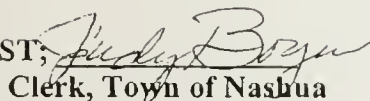
Darwin Johnson



Jean Viste

Local Government Study Commissioners

ATTEST;


Clerk, Town of Nashua

Town of Nashua

EXHIBIT
D
CERTIFICATE OF
ESTABLISHING EFFECTIVE DATE OF PROPOSALS IF
APPROVED BY ELECTORS

Town of Nashua Study Commission

**CERTIFICATE OF EFFECTIVE DATE OF PROPOSALS IF APPROVED BY
ELECTORS**

**Proposal one is for voting on changing election of Town of Nashua officials to be
non-partisan.**

**Proposal two is for voting on changing election of Town of Nashua officials to be at
large and abolishing the two Ward.**

**The effective date shall be January 1, 2006 since the two proposals will be for
election process.**

TOWN OF NASHUA LOCAL GOVERNMENT STUDY COMMISSION

SUPPORTING DOCUMENTS

TIME TABLES

James Rector Memo

Tax breakdown

State reminder letter

River Run News articles

TIME TABLE OF NASHUA STUDY COMMISSION

*This timetable is required to be published and/or posted by February 12, 2005
All town residents are encouraged to attend the meetings and public hearings.*

January 13, 2005 - Approved timetable as suggested in handbook

January 27, 2005 - Approved revised timetable and publish in River Run and post

February 14, 2005 - Meet with Council

February 17, 2005 - Meeting

*March 18, 2005 - FRIDAY - Public Hearing to gather information on the form, functions,
adequacies of town services and problems of Nashua town government*

April or May 2005 - Public Hearing

June 2005 - Formulate and exhibit tentative report, following guidelines for final report

July 2005 through August 2005 - Conduct public hearings on final report

August 2005 - Adopt Final Report and submit to Clerk and Recorder for ballot

September 2005 through October 2005 - Publish summary of final report

November 8, 2005 - Election on proposed alternative or amendments

**TIME TABLE OF NASHUA
STUDY COMMISSION
SCHEDULE OF MEETINGS AND
PUBLIC HEARINGS
7:30 PM**

*July 2005 - 12-meeting at 7:30pm
26- Conduct Public Hearing on preliminary report at 7:30pm*

*August 2005- 9-meeting at 7:30pm
16- Conduct Public Hearing on Final Report Viewing at 7:30pm
24 Deadline submitting to Clerk & Recorder
Adopt Final Report and submit to Clerk and Recorder for ballot*

September 2005 through October 2005 – Publish summary of final report

November 8, 2005 – Election on proposed alternative or amendments

**EVERYONE IS INVITED TO
ATTEND THE MEETINGS AND
PUBLIC HEARINGS – WRITTEN
STATEMENTS OR EMAILS ARE
CONSIDERED INPUT ALSO.**

MEMO

TO: Mayor Bunk
FROM: James D. Rector
RE: Change of Wards
DATE: August 3, 2005

You have requested some input as to the process necessary to change the election of the councilman from two (2) wards to an at-large. MCA §7-3-218 is the applicable section, and it provides for four (4) different alternatives that the city can choose from. However, MCA §7-3-113 selects subsection (2). Subsection (2) is the current situation in Nashua, where we have two (2) councilman elected from each ward in which they reside.

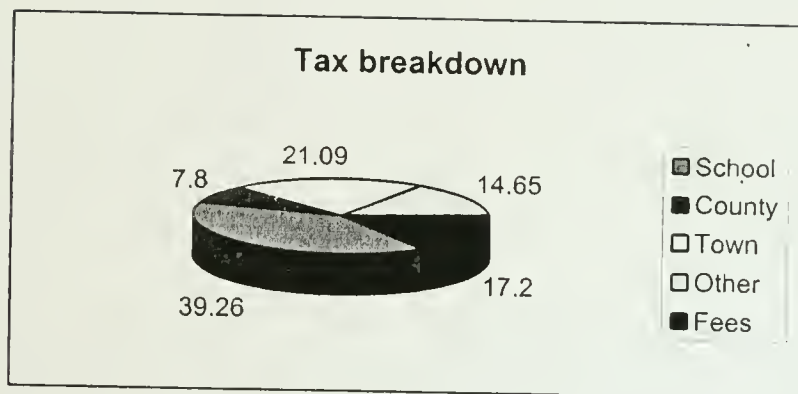
In order to change the statutory selection as set forth in §7-3-113, it requires a vote of the people. Essentially, what you are doing is changing the form of government. That can occur in one of three (3) ways. One, by the Local Government Study Commission recommendation; two, by a referendum; or three, the Council may, by ordinance, provide for procedures and call for an initiative. Therefore, if the Study Commission does not adopt the at-large council position, the Town Council can do it by ordinance however it still requires a vote of the people. Once the vote of the people has been approved then we need to simply amend our ordinances. The simplest is to have the Study Commission recommend it and support the election

There are a couple of other items that should be discussed at the same time. MCA §7-3-113 also provides the option for elections to be a partisan election. If you wish the provision to be non-partisan you must change it from §7-3-219(1) to (2).

The third is §7-3-217(1) provides that the town shall elect a treasurer. However, there is a question concerning "towns". In a city of the third class it says there shall be a city treasurer, or one city clerk-treasurer, however, under officers of the town set forth in §7-4-4103, it does not mention the treasurer.

In doing this research I contacted Ken Weaver of the Department of Commerce, Local Government Services through the Montana State University, who is very informed about local study commission issues and the process involved. His phone number is 994-5163. If our Local Study Commission wishes to incorporate any of these proposed changes he would have the language available for the ballot initiatives and can be of a great deal of assistance. He indicated that there is still time in order to get the matter on the November ballot, if the Study Commission gets it submitted to the Valley County Clerk & Recorder on or before the 25th day of August, I believe is the date he gave me.

School	39.26
County	7.8
Town	21.09
Other	14.65
Fees	17.2





Local Government Center

MSU • Bozeman
P.O. Box 172240
Bozeman, MT 59717-2240

Telephone (406) 994-6694
Fax (406) 994-1905
E-mail janejelinski@montana.edu
Web www.montana.edu/wwwlgc/

June 6, 2005

Local Government Review Study Commissions

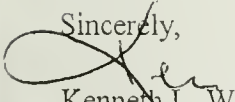
Dear Study Commissioners,

By now, most of the 67 municipal and 14 county study commissions are well into the Voter Review process. Indeed, some of the municipal study commissions are about ready to adopt their final report. Thus, the purpose of this brief memo is simply to emphasize a few key points and some critical dates, as follows:

1. First and most importantly, the Secretary of State's office has finally determined that municipal study commissions may indeed use the November 8, 2005 municipal election to place a recommendation(s) on the ballot;
2. To use the November 8, 2005 municipal election for your recommendations, you **MUST** have the certificate calling for the election (See Certificate D on page 144 of your Study Commission Handbook) and the proposed ballot language (See Certificate E on page 145) to your election administrator in the county Clerk and Recorders' office by **August 24, 2005**. It is not too early even now to let your Clerk and Recorder know what you are planning in order to avoid any unpleasant surprises in ballot preparation at the last minute.
3. Ballot language should conform as nearly as possible to the language provided at 7-3-150, M.C.A.. If you need help with this, call me.
4. *Whether or not* your study commission intends to put a recommendation on the ballot you *must* file two copies of your final report with the **Local Government Services Bureau, Department of Administration, P.O. Box 200547, Helena, MT 59620-0547**. *Please send us a copy too.*
5. Finally, if there is sufficient interest, the Local Government Center will conduct a follow-on, one day workshop for study commissioners in mid-October of this year. We will focus on community education strategies, final report preparation and any other issues desired by the study commissioners.

In the meantime, don't be reluctant to call for help or even invite us to meet with your study commission. We will do everything we can to help you achieve your important purpose.

Sincerely,


Kenneth L. Weaver, Ph.D.
Senior Research Associate

Oral comments can be addressed to the board. There is a three minute time limit.

Free * Free * Free * Free * Free * Free * Free * Free * Free * Free

River Run News

Vol. 05 No. 05

NASHUA, MT "Where the rivers meet"

February 3, 2005

Bus routes, wind energy, policies discussed at school board meeting

In answer to the discontinuation of school buses stopping in Nashua to pick up children, it was stated that nothing was found to change the board's decision. Called into question was the liability issue of the bus going off the main highway.

Virginia Long read a letter requesting that the Fort Peck bus continue stopping at her home to pick up her children. She said there are 10 children in her area who could utilize the stop.

The board replied they would have to talk to the county superintendent and transportation committee to establish a stop on Stewart Street. The county will then decide on safety issues for the stop.

Per Long's formal request, the bus stop will be on the agenda for the meeting set for Feb. 8.

During the period for public comment, Erica Gagne asked if the superintendent could go to the classrooms and explain school rules regarding dress code, etc. She also asked how much time Superintendent Arlene Bigby devotes to the duties of the principal and how much to her duties as superintendent.

A letter was received about the violation of the fire code in blocking of fire exits. The author of the letter stated a formal complaint has been filed with the State Fire Marshal's office and with the chief of the Nashua Volunteer Fire Department.

The honor roll policy was tabled until a new committee can be appointed.

Superintendent Bigby talked with another school about the light audit they had performed. Heritage Light Foundation will do an audit of the lighting in a school and recommend changes that will save on the electrical bill. She said eventually the school will be required to change the type of ballast used in the fluorescent lights.

The board gave their approval to hire Betty Barnett as a part time aide.

Patty Patterson, Right of Way Supervisor for the Montana Department of Transportation addressed the board, stating that some property owned by the school is needed to bring U.S. Highway 2 up to standards of safety. Part of the property would be acquired and part of it leased. She said the state is required to an offer according to fair market value for the property.

A conference call was held concerning wind energy. It will take \$1,000 to conduct

a study about the feasibility of putting up wind towers to generate energy for school use. It was decided to form a committee to explore financing for the study and requirements for these towers. Members of the committee will include Mike Bertrand, science teacher at Nashua, board members, and members from the community.

A request by a resident to use the school kitchen to assemble ingredients for the salad dressing they sell was turned down. State law says that a business cannot use school facilities to make their product. Only non-profit organizations may use the kitchen.

Meeting times for several committees were set as was a date to inspect the teacherage.

Hiring tutors was tabled until the February meeting. A building needs list was presented.

Two applications were approved for out of district students to attend Nashua School.

Continued on back page

What do you prefer?

Last year, a new odorless spray for mosquitoes was used within the Town of Nashua. Previously, malathion had been used for mosquito control.

The Mosquito District is asking for residents to state their spray preference for the upcoming season.

Comments may be sent to Mosquito District, Hc 81 Box 200, Nashua, MT 59248 or by be given by calling 746-3489 or 746-3344.

Time table published

In the November election, Nashua voters chose to have a government review study commission established. The commission will review the governing body of the town and make their recommendations.

As part of the process, a time table for the review must be published and posted. All town residents are encouraged to attend the commission's meetings and the public hearings.

To comply with the regulations, the following time table is being printed here:

Jan. 13: Approved time table as suggested in the handbook

Continued on back page

What's happening?

The Valley County Government Review Commission will hold a public meeting, Monday, Feb. 7, at 5:30 p.m. in the Valley County Courthouse Community Room.

All of these meetings are open to the public.

The American Legion Auxiliary will meet Monday, Feb. 7, in the Nashua Senior Citizen Center at 7 p.m.

Third Annual Food Bank Challenge issued

Local financial institutions are at it again! For the third year, our community's financial institutions are competing to see which one can collect the most food. Posters have been hung and customers are on notice to bring what they can spare from their cupboards. The initial goal was to provide a one-month supply (1,000 lbs.) to the food bank, but last year's total (1,797 lbs) was almost double that amount thanks to the community's support.

The competitors are Fort Peck Community Federal Credit Union, Wells Fargo Bank, First Community Bank, Independence Bank, Valley Bank and Farm Credit Services. The challenge will run from February 14-17 with "weigh-in" Feb. 17 at 9 a.m.

The food bank has specific need of the following items: cereal, pasta, fruit and paper grocery bags. Anyone wishing to contribute perishable items can donate them February 17th at the food bank: 1020 First Avenue North, Glasgow.

Did you find the hook? Lisa Redstone of Wolf Point found it in the headline for the puzzle.

In every issue there is a fish hook somewhere. When you find it, call River Run Printing, stating the location of the hook. The weekly winner receives their choice of an ice cream cone, a 20 oz. soda or a 5x7 photo reprint. At the end of each month, all the names of people who called in will be put in a drawing for the monthly prize.

So look for the hook!

Places To Go, Things To Do

Queen of Angels Catholic Church
305 Hobart - Nashua
1st and 3rd Sunday
Word & Communion - 11:30 a.m.
2nd and 4th Sunday - Mass - 11:30 a.m.
Our Redeemer Lutheran Church
115 Mabel St. - Nashua
Services are Sunday at 9:30 a.m.
Fort Peck Chapel
Lutheran Services are Sunday, 8 a.m.
Catholic Services are Saturday, 9 a.m.
New Beginnings Mission PCG
334 Assiniboine, Frazer.
Services: Sunday at 11 a.m. &
Wed. at 7 p.m.
Soup Kitchen: Wed. to Fri., 4 - 6 p.m.
Saturday from Noon to 2 p.m.

The Nashua Town Council meets the second Monday of the month at 7 p.m. in the Town Office, located in the Nashua Civic Center.

Organizations

- Nashua Senior Citizens Center is open Monday-Friday. Call one day ahead if you wish to have lunch.
- American Legion Post 104 meets the first Monday of the month, 7 p.m., Nashua Senior Citizen Center.
- Sons of the American Legion meets the 1st Monday of the month, 6:30 p.m., Nashua Senior Citizen Center.
- Lion's Club, 1st and 3rd Tuesday of the month, Bergie's, 6:30 p.m., September through May.
- Nashua Parent-Teacher Organization, 1st Wednesday of the month, Nashua School Library, 6 p.m., September-May.
- Lucky Clover 4-H Club, 2nd Sunday of the month, Nashua School Cafeteria, 1:30 p.m.
- Gumbo Gals Garden Club, 2nd Tuesday of the month, March through Dec. Call 765-2271 for meeting place.

We have the card

Have you ever wished there was an easy way to tell doctors, other medical personnel, and families about the medicines you are taking and past surgeries and illnesses? Or perhaps you have wished you had a convenient way to keep a list of your medicines in your vehicle or home in case of an emergency.

At *River Run Printing*, you can have a business-size card printed with a list of your medications and their dosage, as well as surgeries and/or major illnesses such as measles and mumps. The card is then laminated to protect it from wear.

Stop in at 1001 Front Street, call 406-746-3246, or email riverrun@nemontel.net to have your card made.

Are you a champion?

G	E	N	E
H	P	A	S
T	I	I	V
I	G	G	P

SCORING
letters val.

3/4 1 pt.
5 2 pt.
6 3 pt.
7 5 pt.
8 8 pt.
9+ 11 pt.

Look for words with a minimum length of 3 letters. The letters must connect either forward, backward or diagonally. Use the scorecard to the right of the puzzle to determine your score.

Novice - up to 8 pts; Student - up to 13 pts.
Editor - up to 13 pts; Librarian - 10 pts or more

Bus route

A discussion was held on weather conditions that would prevent the buses from running. It was decided that if the official temperature is minus 30 degrees at 6 a.m., the buses will not run. The board approved the option of starting school late if the buses can run later. The buses will not run if the visibility is less than one-fourth of a mile. If

drivers start out and encounter poor visibility, they will turn around and return to the school. It will be announced on the Glasgow and Wolf Point radio stations if the buses are not running and parents of students who ride the buses will be called.

The next meeting will be Tuesday, Feb. 8, in the Nashua School Library at 5:30 p.m.

Time table

Jan. 27: Approved revised time table published in *River Run News* and posted

Feb. 14: Meet with Town of Nashua Council

Feb. 17: Commission meets

March 17: Public hearing to gather information on the form, functions, adequacies

Date to be set

Watch for a date to be announced for the Senior Prom sponsored by the Valley County High School Student Councils.

We will try to avoid holding it during the Music Festival, Wednesday night Bingo, Tuesday night Weight Watchers, Friday night Boxing Smoker, Walleye's Unlimited Annual Banquet, Schmeckfest, Fort Peck Summer Theatre Chinese Auction, or any blizzards.

Zero gravity

When NASA first started sending up astronauts, they quickly discovered that ballpoint pens would not work in zero gravity.

To combat this problem, NASA scientists spent a decade and \$12 billion developing a pen that writes in zero gravity, upside-down, on almost any surface including glass and at temperatures ranging from below freezing to over 300 C.

The Russians used a pencil.

Your taxes are due again—enjoy paying them.

Continued from front page

Continued from front page

of town services and problems of Nashua town government

April or May: Another public hearing

June: Formulate and exhibit tentative report, following guidelines for final report

July through August: Conduct public hearings on final report

August: Adopt Final Report and submit to Clerk and Recorder for ballot

September through October: Publish summary of final report

Nov. 8: Election on proposed alternative or amendments.

Montana is the only state in the nation wherein every 10 years the towns and counties may vote to change their form of government. The opportunity to change how a county or town is governed came about with the Montana State Constitutional Convention, when the state's constitution was written.



Makita
Power Tools

15% off!!

Agland Co-Op * Nashua * 746-3311

Peters Taxidermy

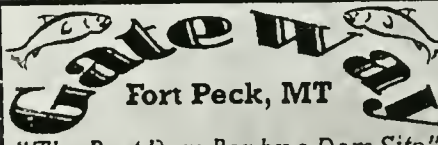
Daryl Peters, Wildlife Artist

Fish, Birds, Game Heads, & Lifesize
peterstaxidermy03@yahoo.com

406-746-3334
10 Warham, Nashua, MT 406-650-7770



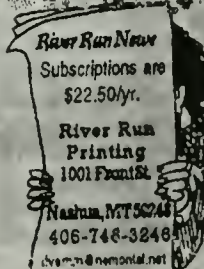
406-746-3320
510 Warham, Nashua, MT 59248



Gateway
Fort Peck, MT

"The Best Dam Bar by a Dam Site"

Burt & Bette Johnston, owners
406-526-9968



River Run News
Subscriptions are
\$22.50/yr.
**River Run
Printing**
1001 Front St.
Nashua, MT 59246
406-746-3246
riverrun@nemontel.net

River Run News

05 No. 07

NASHUA, MT "Where the rivers meet"

March 3, 2005

Types of commission form of government outlined

By Ron Ost
Government Review Commission
Chair

In past articles, I've discussed the executive commission and the town meeting forms of government. This week I will compare and try to explain the commission, commission-manager, and commission-chairman forms of government.

All three have commissions or council members who are elected to four-year terms that are overlapped to retain continuity. They are elected at large and on a non-partisan basis.

The commission chairman can be called president or mayor and is elected by the council members rather than by the public at large. All actions, powers, and duties are vested by an affirmative vote of three members or the majority of the council members. The council chairman carries out the duties similarly to the commission-executive and the commission-manager form of government, with the consent of the council.

However, the chairman does have a vote on all matters pertaining to the issues forced by the municipality, whereas with the commission-executive may can only vote to break a tie vote of the council and the commission-manager has no vote.

The commission-manager must take their orders from the majority of the council and follow their wishes or face dismissal. The manager can stay in office for an indefinite term on the basis of merit.

The other forms of government have a term limit and they must be elected again to retain office.

Employees hired by the manager report solely to the manager and the council cannot dictate who is hired or removed.

As with all forms of transition, no current town employees shall lose employment and the elected officials will retain office until the new governing body is formed. The town's ordinances, resolutions, and rules shall remain in effect until reviewed, continued, revised, or repealed by the new form of government.

This is a quick synopsis of the remaining types of governments. More information will be given at the first public hearing, set for Thursday, March 17, at 7 p.m. in the Nashua Civic Center.

The government review committee will be available to answer any and all questions on the issues that we may have control over. What questions that cannot be answered at the time, will be researched and information given to anyone who requests it.

We look forward to your presence at the meeting and urge everyone to come and give their input.

Don't miss it!

The Nashua School Art Club will be serving a spaghetti dinner prior to an art auction and concert, Saturday, March 5, beginning at 6 p.m.

Entertainment will be provided by Nailing Down Mercury, Miho Ueno, and other local talent.

Cost of the supper is \$3 for students Kindergarten through 6th grade and grades seven and up and adults is \$5.

Proceeds will benefit the club's scheduled trip to Portland, Ore., in April.

Admission to the auction and concert is free.

TAC will meet

The next meeting of the Northeast Montana Transportation Advisory Committee will be held on Thursday, March 10 from 1 p.m. - 3 p.m. at the Job Service Workforce Center in Wolf Point, 21 Third Avenue South - the former JC Penney building).

Any person who would like to be a part of this committee and is interested in transportation services in Valley, Phillips, Daniels, Roosevelt and Sheridan counties should attend. Input from the residents of the area is needed.

Call Colleen Pankratz at 228-6258 for more information.

Take note.....

The Nashua School Board of Trustees will meet Tuesday, March 8, in the Nashua School library, at 5:30 p.m. School board meetings are open to the public. An interested community makes for a better school.

Our Redeemer Lutheran Church in Nashua invites everyone to come for soup and bread on March 2 and 16 at 6:15 p.m.

Following the meal, a Lenten service will be conducted at 7 p.m.

The Queen of Angels Catholic Church will have Stations of the Cross each Friday at 7 p.m. Everyone is welcome to attend.

Two Rivers Growth will hold their annual election of officers and dinner meeting at the Cottownwood Inn, Wednesday, March 16. More information will be available later.

Preliminary agenda is posted

The preliminary agenda for the regular meeting of the Nashua School Board, set for Tuesday, March 8, at 5:30 p.m. in the Nashua School library is as follows:

- Call to order
- Pledge of allegiance
- Roll call
- Approval of minutes
- Approval of expenditures
- Correspondence
- Public comments
- Public written comments
- Board committee reports
- Curriculum report

Old Business: bus purchase; negotiations; third reading of Policy 8110; secretary's second contract; third reading of Policy 1441; wind power; building needs; insurance committee; bus barn; policy manual.

New Business: 2005-2006 calendar; election resolution; science trip proposal; drug dogs; substitutes; nonrenewal of English personnel position; resignation of music personnel position.

- Superintendent report
- Clerk's report

- Future issues indicated

Members of the public wishing to make comments to the board shall have a three minute time limit to do so.

Did you find the hook? Helen Bollinger of Jordan found it in the Agland ad.

In every issue there is a fish hook somewhere. When you find it, call River Run Printing, stating the location of the hook. The weekly winner receives their choice of an ice cream cone, a 20 oz. soda or a 5x7 photo reprint.

So look for the hook!

Wind farms have great potential

By Stewart Truelsen

"The answer, my friend, is blowin' in the wind,

The answer is blowin' in the wind." — Bob Dylan, 1962.

Bob Dylan wasn't really singing about wind energy back in 1962. America didn't even know it had an energy problem back when Dylan penned "Blowin' in the Wind."

Today, there's little doubt about there being an energy problem and part of the answer is blowing in the wind. As with ethanol and biodiesel, wind power is a farm-based, renewable source of energy.

According to Christine Real de Azua, spokesperson for the American Wind Energy Association, "Most wind power development has been happening on agricultural land and it has a great potential for future development."

In Denmark, a country with a large percentage of agricultural land, wind power is now providing 20 percent of the electricity. A modest goal for the United States is for wind power to provide at least 6 percent of the electricity by 2020.

A good location for a wind farm is flat or gently rolling land with steady winds starting at about 13 mph. The industry is now installing taller towers to take advantage of higher winds aloft. Ideally, the land should be close to transmission lines and to a market.

One plan for central Illinois farm country is for 243 wind turbines scattered over 50 square miles in McLean County. The plan by Zilkha Renewable Energy of Houston has an estimated cost of \$500 million and a completion date of 2006. It will become the largest wind farm in the country by producing 400 megawatts of electricity — enough to power 120,000 homes in the Chicago area.

Another big project is Judith Gap Wind Farm in Montana. Construction began in the

spring on 90 turbines that will provide a portion of the electricity needs of 300,000 Montana customers of North Western Energy. In southwestern Minnesota, the 100-megawatt Trimont Area Wind Farm will be in operation by this winter. Started by a group of farmers and other landowners and built by PPM Energy of Portland, Ore., it will be the largest community wind project in the nation.

Jan Johnson, spokesperson for PPM Energy, said, "We have many happy communities where wind farms are located." That's because wind farms bring economic development to rural America and provide additional income to farmers.

On average, a farm owner can receive \$2,000 to \$4,000 a year from a single wind turbine as a lease payment or royalty. There is no buffer zone involved. Crops can be grown right up to the turbine and livestock can graze there.

In addition to the site requirements and other prerequisites, wind farms depend on state and federal policies that encourage their development. New energy legislation that passed this summer extends the federal Production Tax Credit. It is applied to electricity generated by wind turbines over the first 10 years of a project.

In the Midwest, where this summer's heat wave reduced the yield of corn and soybean crops, the wind just keeps blowing. It's a clean, renewable form of energy and a very good crop.

I am thankful.....

For the wife who says it's hot dogs tonight, because she is home with me and not out with someone else.

For the husband who is on the sofa being a couch potato because he is home with me and not out at the bars.

Guest Guide

Welcome to our area. Wondering where to find a meal or some gas? Need to park your RV? Check your e-mail? Here's some information you may find helpful.

Places to stay in Fort Peck

The Buckhorn
Lakeridge Motel
Kiwanis Campgrounds
Fort Peck Hotel

Places to eat

Nashua: Bergie's, Vick's Bar, Wagon Wheel
Park Grove: Park Grove Bar,
Missouri River Outpost
Fort Peck: Gateway, Fort Peck Hotel
Glasgow: Johnnie's Cafe, Oasis, Ezzie's
Deuces Wild

Where to get gas

Nashua: Agland (also a Cardrol pump that accepts credit cards)
Park Grove: Missouri River Outpost
Fort Peck: Lakeridge
Glasgow: Ezzie's Wholesale

Public computer

Nashua: River Run Printing
Cash & Check Machine
Nashua: Wagon Wheel Bar

Final report issued

After several meetings, public hearings and surveys conducted both written and verbal, we the Nashua Local Government Study Commission proposed and submitted to the Valley County Clerk and Recorder to be put on the ballot, two proposals.

One is for a change to make the election of town officials non-partisan. The other is to elect the town council members at large and abolish the wards.

There was a myriad of possibilities for change but these two proposals seem to have the most support for a subtle but positive change for the present system of government.

If there are any questions about the proposals please feel free to contact any one of us — Study Commission Chairman Ron Ost, and members Darwin Johnson and Jean Viste.

A copy of all minutes and the final report will be at the town office in the Nashua Civic Center at 705 Front Street for your viewing.

We extend our appreciation to all who have contributed to the study commission and Judy Boyum for taking time out to type and record our minutes of the meetings, etc.

JJ'S RESTAURANT

(located in the Fort Peck Hotel)

Now serving Lutefisk &

Smorgasbord every Sunday

Hours:

Breakfast: 7 - 11 a.m.

Lunch: 11 a.m. - 2 p.m.

Dinner: 5 - 9 p.m. 406-526-3266



YC Activity schedule

The Valley County Coalition Youth Center activities for Saturday, August 27, will be a dodgeball and basketball. The center is free for youth in grades one-12 and is open from 6-9 p.m.

The Youth Center is financially supported by community donations and a U.S. Department of Justice Drug Free Communities Support Program grant.

For more information contact Betty Jagiello at 406-228-2489.

Missouri River Outpost

Park Grove, MT • 406-526-3231

Happy Hour

4:30

to

6:30 p.m.

Monday thru
Friday

Burgers & Chicken



Casino

Jumbo leeches,
Fresh minnows and
Canadian crawlers

Groceries and Gas

Hours:
Open
Mon. to Thurs.
9 a.m. - 10 p.m.
Fri. - Sun.
7 a.m. - 12 a.m.

Bergie's

Ice Cream Parlor & Cafe

Homemade ice cream (new flavors weekly)

Sunday a.m.
Biscuits & Gravy

Sunday Noon
Order
from
Menu

HOURS:

Monday
8 a.m. - 2:00 p.m.

Tues., Wed.,
Thurs.

7:30 a.m. - 7 p.m.

Fri. & Sat
7 a.m. - 7 p.m.

Sunday
7 a.m. - 6 p.m.

TOWN OF NASHA
P.O. BOX 47 - 705 FRONT ST
NASHUA, MT 59248

Page: 1
Claim #: 1927
Vendor #: 106
Check #: 6140
Period: 1/05

01/13/05
18:39:26

Claimant Local Government Center
Address MONTANA STATE UNIVERSITY
BOZEMAN MT 59717

Date	Invoice	Description	Amount	Fund Org Acct. Obj Proj
12/23/04		Two Study comm handbooks	23.00 1000	410510 380

TOWN OF NASHA
P.O. BOX 47 - 705 FRONT ST
NASHUA, MT 59248

Page: 1
Claim #: 1952
Vendor #: 310
Check #: 6147
Period: 1/05

01/13/05
18:39:39

Claimant Ron Ost
Address PO BOX 168
NASHUA, MT 59248

Date	Invoice	Description	Amount	Fund Org Acct. Obj Proj
12/17/04		Meals	28.65 1000	410510 370
12/17/04		Lodging	42.80 1000	410510 370

TOWN OF NASHA
P.O. BOX 47 - 705 FRONT ST
NASHUA, MT 59248

Page: 1
Claim #: 1883
Vendor #: 106
Check #: 6069
Period: 12/04

01/13/05
18:38:41

Claimant Local Government Center
Address MONTANA STATE UNIVERSITY
BOZEMAN MT 59717

Date	Invoice	Description	Amount	Fund Org Acct. Obj Proj
11/30/04		Ost Workshop Registration	100.00 1000	410510 380

Item	To whom Paid	Date	Amount	Budgeted	Remaining
Training				\$ 200.00	
Ost Registration	Local Gov. Center	12/1/2004	\$ 100.00		
Ost Travel	Ron Ost	1/10/2005	\$ 71.45		\$ 28.55
Supplies				\$ 190.00	
Handbooks	Local Gov. Center	1/10/2005	\$ 23.00		\$ 167.00

other - Rector Law Office
Ward case 8-2-05
Conf/Karl Grover 8-3-05

130.00
195.00

**TOWN OF NASHUA
LOCAL GOVERNMENT STUDY
COMMISSION**

TABULATED SURVEY

CITIZEN INPUT FORM
TOWN OF NASHUA
LOCAL GOVERNMENT REVIEW STUDY COMMISSION

(Circle one best answer)

1. In general, how responsive is your Nashua town government to your needs?

- 1. Very responsive
- 2. Responsive ///
- 3. Not very responsive ///
- 4. Very Unresponsive
- 5. No opinion or don't know. /

Comment:

2. In your opinion, how fair is your town government in dealing with all of the residents of the community?

- 1. Very fair
- 2. Fair ///
- 3. Not very fair //
- 4. Very unfair /
- 5. No opinion or don't know /

Comment:

3. If you had a problem that needed to be handled by the Mayor or Town Council, do you believe they would listen to your concerns and treat you fairly?

- 1. Yes //
- 2. Probably ///
- 3. Probably not /
- 4. No //
- 5. No opinion or don't know

Comment:

I THINK THEY WOULD LISTEN BUT ITS HARD TO (TEACH AN OLD DOG NEW TRICKS)

4. I believe that law enforcement in our community is:

1. More than adequate
2. Adequate
3. Less than adequate *////*
4. Inadequate *////*
5. No opinion or don't know

Comment:

5. I believe that maintenance of the streets and sidewalks in our community is:

1. More than adequate
2. Adequate *//*
3. Less than adequate *///*
4. Inadequate *////*
5. No opinion or don't know

Comment:

6. If I had to vote tomorrow, I would vote to:

1. Keep town government the same as it is now *////*
2. Make a few changes in the Town government *///*
3. Make major changes in the Town government */*
4. Completely change the form and powers of the Town government
5. No opinion or don't know */*

Comment:

NO WORDS - NO RELATIVES WORKING TOGETHER (NEPOTISM)

CITIZEN INPUT FORM *(continued)*

7. How would you rank the following services provided by the Town of Wesley? (Place a check in the appropriate box)

	Excellent	Good	Satisfactory	Unsatisfactory	No Opinion
Water	/	/	///	//	
Waste Water	/	/	///		
Police				///	
Fire	/	/	///		
Ambulance			//	///	
Garbage		/	///		
Library			//		
Other:			/		

8. Do you have any other comments or recommendations that you would like the Local Government Review Study Commission to consider?

Keep Town Gov't. The Same; Do Away with WARDs



TOWN OF NASHUA
P.O. BOX 47
NASHUA, MT 59248-0047

December 30, 2004

Study Commission Member
Jean Viste
PO Box 255
Nashua, MT 59248

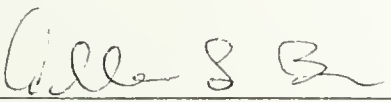
Dear Jean,

Please attend the January 10th Meeting of the Nashua town council at 7:00 pm to be sworn in as an elected official.

Please contact the office at 746-3461 if you have any questions on the matter.

Thank you for serving on the board to review the governmental process for the Town of Nashua.

Sincerely,



Allen L. Bunk, Mayor

TOWN OF NASHUA
P.O. BOX 47
NASHUA, MT 59248-0047

December 30, 2004

Study Commission Member
Ron Ost
PO Box 168
Nashua, MT 59248

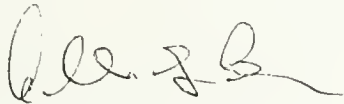
Dear Ron,

Please attend the January 10th Meeting of the Nashua town council at 7:00 pm to be sworn in as an elected official.

Please contact the office at 746-3461 if you have any questions on the matter.

Thank you for serving on the board to review the governmental process for the Town of Nashua.

Sincerely,



Allen L. Bunk, Mayor

TOWN OF NASHUA
P.O. BOX 47
NASHUA, MT 59248-0047

December 30, 2004

Study Commission Member
Darwin Johnson
PO Box 252
Nashua, MT 59248

Dear Darwin,

Please attend the January 10th Meeting of the Nashua town council at 7:00 pm to be sworn in as an elected official.

Please contact the office at 746-3461 if you have any questions on the matter.

Thank you for serving on the board to review the governmental process for the Town of Nashua.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Allen L. Bunk', written over a horizontal line.

Allen L. Bunk, Mayor

RECEIVED

NOV 2006

ADMINISTRATION
LOCAL GOVERNMENT
SERVICES BUREAU

FINAL REPORT
OF THE
LOCAL GOVERNMENT REVIEW STUDY
COMMISSION
FOR
PETROLEUM COUNTY, MONTANA

August 15, 2006

FINAL REPORT OF THE PETROLEUM COUNTY LOCAL GOVERNMENT REVIEW STUDY COMMISSION

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III. COMPARISON OF EXISTING AND PROPOSED FORMS OF GOVERNMENT

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- Exhibit C: Certificate Establishing the Date of Election
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- Exhibit E: Certificate Establishing Effective Date of the Charter

I. LETTER TO THE CITIZENS OF PETROLEUM COUNTY

To the Citizens of Petroleum County:

The Petroleum County Study Commission elected by the voters on November 2, 2004, present this final report to you, the citizens of Petroleum County.

The purpose of the study commission, as defined in state law, is “. . . to study the existing form and powers of our local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state.” After completing the study, it is the responsibility of the study commission to submit a final report recommending either changes or no change to the existing form of government.

In conducting the review the study commission sought advice and information from numerous people in the county. Opinions and recommendations were solicited from county government officials, organizations and citizens. All meetings of the study commission were open to the public. Public hearings were held to acquire citizen opinions.

Our recommendations reflect the thoughts and opinions of those who participated in the public hearings in addition to the independent efforts of the study commission. As a result, the Petroleum County Study Commission has concluded unanimously that the existing county commission-manager form of government has served the county well for many years.

However, we have also concluded that there are number of major deficiencies in the structure of our county government that can only be remedied by the adoption of a self-government charter. Notable among these are the need for written clarification of the roles and responsibilities of the elected county commission, the appointed county manager (who also serves as the county treasurer, assessor and superintendent of schools) and the other three appointed officers of the government, which are the county attorney, the county sheriff /coroner and the county clerk and recorder/clerk of district court. While the county commission will continue to be elected, the county manager and the other three county officers will be appointed by written, term contracts. These structural improvements will not change the look of our county government but, under the new charter, will do much to improve the accountability and efficiency of those who are elected or appointed to serve Petroleum County.

Finally, a number of citizens suggested to the Study Commission that they would like to see on the November 7 hallot the option of at large election of county commissioners (without regard to commissioner districts) and also the option of nonpartisan election of county commissioners to be included as suboptional choices if the Charter is approved by the voters. We have done so.

We urge your careful consideration of a new County Charter for Petroleum County.

Respectfully submitted

Raymond A. Hale

Ray Hale, Chairman

James E. Brady

James E. Brady

Gary L. Gershmel

Gary Gershmel

II. REPORT SUMMARY

A. Findings of the Study Commission:

The Petroleum County Local Government Review Study Commission, having thoroughly studied our present form of county government and the alternative forms available to counties under Montana law and having considered the probable future needs of the government and people of Petroleum County, as expressed to the Study Commission by numerous citizens, find that:

1. Petroleum County should continue to rely upon the efficient and well tested county manager plan of county government with an elected board of county commissioners and an appointed county manager with three additional appointed county officers.
2. The ambiguous employment status of the County Manager, County Attorney, County Sheriff and County Clerk and Recorder has been the source of considerable conflict within the courthouse and some confusion among the attentive citizens of Petroleum County.
3. A self-government charter will clarify the roles and responsibilities of the elected and appointed officers of the county while enabling a greater degree of administrative flexibility.
4. There is some citizen interest in conducting the elections of county commissioners at large and on a nonpartisan ballot.

B. Key Provisions of the Proposal

Pursuant to the above findings the Petroleum County Local Government Review Study Commission recommends that:

1. The present and familiar structures of Petroleum County government should be continued within a self-government charter that will require that the elected Board of County Commissioners appoint by written contract the County Manager (who also serves as the County Treasurer, Assessor and Superintendent of Schools), who shall, in turn, appoint the County Attorney, County Sheriff/Coroner and County Clerk and Recorder/Clerk of District Court.
2. The voters should be given the opportunity to decide whether the new Charter should provide for the election of county commissioners *at large from commissioner districts* or simply elected *at large (without commissioner districts)* and whether the commissioners should be elected on a *nonpartisan* ballot or should continue to be elected on a *partisan* ballot, with the political party affiliation of the candidates indicated on the ballot.

III.

COMPARISON OF THE EXISTING AND PROPOSED FORMS OF GOVERNMENT

A. EXISTING FORM OF COUNTY GOVERNMENT

The existing county manager form of Petroleum County government provides for a three-member Board of County Commissioners who are nominated by commissioner district and elected at large on a partisan ballot and an appointed County Manager, County Attorney, County Sheriff/Coroner and County Clerk and Recorder/Clerk of District Court.

B. PROPOSED FORM OF COUNTY GOVERNMENT

The proposed self-government charter will continue the election of the Board of County Commissioners for six year terms of office. However, the charter will require that the County Commission appoint the County Manager (who also serves as the County treasurer, Assessor and Superintendent of Schools) who will, in turn, appoint the County Attorney, County Sheriff/Coroner and County Clerk and Recorder/Clerk of District Court by written contract which, must be approved by the County Commission. A term of office must be set forth in contracts which may not be extended except with the written approval of the County Commission.

The new charter will also automatically provide Petroleum County with self-government powers that may enable county government to be administered with greater flexibility. The charter will also assure greater transparency for citizens on the roles and responsibilities and limitations of our county government.

Whether the county commission shall be nominated by district and elected at large or simply elected at large without commissioner districts and whether the commissioners shall be elected on a partisan or nonpartisan ballot will be determined by the voters as suboptional choices to be included in the new Charter, if it is adopted by the voters.

C. SUMMARY OF COMPARATIVE CHARACTERISTICS

<u>Present Form</u>	<u>Proposed Form</u>
County Manager	Charter with County Manager
General Powers	Self-Government Powers
Three County Commissioners elected to six years terms of office.	No Change
Nominated by district and elected at large on partisan ballot.	Whether county commissioners are nominated by district and elected at large or simply elected at large in partisan or nonpartisan elections will be determined by the voters as suboptional choices for inclusion in the Charter, if approved by the voters
County officers appointed <u>without</u> written contract.	County officers appointed <u>with</u> written contract

CERTIFICATE A
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR
PETROLEUM COUNTY, MONTANA

If retained by the voters, the government of Petroleum County shall be organized under the following provisions of Section 7-3-112 MCA.

7-3-112. Statutory basis for county manager government. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the county manager form of government shall be governed by the following sections:

- (a) 7-3-301;
 - (b) 7-3-302(1)
 - (c) 7-3-303;
 - (d) 7-3-304;
 - (e) 7-3-305;
 - (f) 7-3-312(2);
 - (g) 7-3-313(3);
 - (h) 7-3-314(1);
 - (i) 7-3-315(1);
 - (j) 7-3-316(2);
 - (k) 7-3-317(2);
 - (l) 7-3-318.
- (2) Three commissioners are elected to 6-year terms.

These sections establish the following form of government which shall be called a COUNTY MANAGER FORM.

7-3-301. Commission-manager form. The commission-manager form (which may be called the council-manager form) consists of an elected commission (which may be called the council) and a manager appointed by the commission, who shall be the chief administrative officer of the local government. The manager shall be responsible to the commission for the administration of all local government affairs placed in his charge by law, ordinance, or resolution.

7-3-302 (1). Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-303. Appointment of manager. The manager shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by a majority vote of the whole number of the commission.

7-3-304. Duties of manager. The manager shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform the duties required of him by law, ordinance, or resolution;

- (3) administer the affairs of the local government;
- (4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance;
- (5) carry out policies established by the commission;
- (6) prepare the commission agenda;
- (7) recommend measures to the commission;
- (8) report to the commission on the affairs and financial condition of the local government;
- (9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (10) report to the commission as the commission may require;
- (11) attend commission meetings and may take part in the discussion, but he may not vote;
- (12) prepare and present the budget, to the commission for its approval and execute the budget adopted by the commission;
- (13) appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance;
- (14) appoint members of temporary advisory committees established by the manager.

7-3-305. Employees of commission-manager government.

- (1) Employees appointed by the manager and his subordinates shall be administratively responsible to the manager.
- (2) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of his subordinates are empowered to appoint.
- (3) Except for the purpose of inquiry or investigation under this title, the commission or its members shall deal with the local government employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

7-3-312 (2). Appointment to boards. All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the manager with the consent of the commission.

7-3-313 (3). Selection of commission members. The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

7-3-314 (1). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-315 (1). Chairman of commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-316 (2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-317 (2). **Size of commission and community councils.** The size of the commission shall be three (3), and community councils to advise commissioners may be authorized by ordinance.

7-3-318. **Terms of elected officials.** The term of office of elected officials shall be six (6) years.

We, the Study Commissioners of Petroleum County do hereby certify that this is the existing plan of government of Petroleum County approved by the Study Commission of Petroleum County.

Done at Winnett this 15 day of Aug, 2006.

SEAL

Raymond A. Hale
Ray Hale, Chairman

James E. Brady
James E. Brady

Gary L. Gershamel
Gary Gershamel

ATTEST:

Mary D. Brindley
Petroleum County Clerk and Recorder

CERTIFICATE B
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT
FOR
PETROLEUM COUNTY

CHARTER OF
PETROLEUM COUNTY

PREAMBLE

WE, THE PEOPLE OF PETROLEUM COUNTY, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this self-government Charter.

ARTICLE I
POWERS OF THE COUNTY

Section 1.01 Powers of the County

Petroleum County shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

1. The self-government powers and authority of this County shall be liberally construed. Every reasonable doubt as to the existence of a County power or authority shall be resolved in favor of the existence of that power or authority.

2. As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

Section 1.03 Restrictions

1. The property tax mill levy of the County shall be limited to that of Montana county governments with general powers, except with the prior approval of the electors of the County voting on the question in a general or special election.

2. No increase in any County license fee, user fee or utility charge shall be made without conducting a public hearing, as required by law.

LEGISLATIVE BRANCH

Section 2.01 County Commission

The legislative branch of the County shall be the Petroleum County Commission, which shall be the governing body of the County.

Section 2.02 Composition

The county commission shall consist of three (3) members.

Section 2.03 Qualifications for Office

Every resident of Petroleum County who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution and who has, at the time of election, resided within the County for more than one year is eligible to hold the office of commissioner.

Section 2.04 Term of Office

Members of the commission shall be elected to six-year, overlapping terms of office.

Section 2.05 Election of Commissioners

1. To be determined by the voters as a suboptional choice for nomination of county commissioners from commissioner districts and election at large, as presently conducted, or at large without commissioner districts. Following the electoral outcome, this explanatory language shall be deleted from this proposed Charter and replaced with language that reflects the determination by the voters.

2. To be determined by the voters as a suboptional choice for election of county commissioners on a partisan ballot, as presently conducted, or on a nonpartisan ballot without the political party affiliation of the candidates. Following the electoral outcome, this explanatory language shall be deleted from this proposed Charter and replaced with language that reflects the determination by the voters.

3. Following each federal decennial census, the county commission shall cause Petroleum County to be divided into three commissioner districts, as compact and equal in population and area as possible. However, no change in the boundaries of any commissioner district shall be made within six months next preceding a county primary election. (This section shall be deleted from the Charter if the suboptional choice of the voters provides for the election of county commissioners at large without commissioner districts.)

Section 2.06 Oath of Office

Before assuming the duties of office, an elected or appointed county commissioner shall take and subscribe to the oath of office prescribed in Article III, Section 3 of the Constitution of Montana.

Section 2.07 Vacancy in Office

Section 2.07 Vacancy in Office

The office of county commissioner becomes vacant as prescribed by law.

Section 2.08 Removal from Office

A commissioner may be removed from office by a finding, adopted by the affirmative vote of two commissioners, that the office has become vacant as prescribed by law, or by the recall of the commissioner by the electors of Petroleum County, as prescribed by law.

Section 2.09 Filling Vacancy on Commission

When a vacancy occurs in the office of county commissioner, the position shall be considered open and subject to nomination and election at the next general election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification, the commission shall appoint within 60 days of the vacancy, by nomination of the chairman and the affirmative vote of two commission members, a person possessing the qualifications for office required by law and this Charter to hold the office until the successor is elected and qualified.

Section 2.10 Powers and Duties

1. The commission shall be the legislative and policy-making body of the County. All governing powers of Petroleum County shall be vested in the county commission except as otherwise provided by law or this Charter and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this Charter.

2. All members of boards, other than temporary advisory committees established by the county manager, shall be appointed by the commission. The appointment process shall be prescribed by commission resolution.

Section 2.11 Chairman of the Commission

1. The chairman and presiding officer of the county commission shall be elected by the members of the commission from among their own number for a term established by resolution. A vice-chairman may also be elected in the same fashion to serve during the temporary absence of the chairman.

2. The chairman shall vote as other members of the commission but shall not have veto authority.

3. The chairman of the commission shall be recognized as the principal officer of Petroleum County government for ceremonial purposes and shall have no other executive or administrative duties, except as specifically prescribed by majority vote of the commission.

Section 2.12 Legislative Action

A quorum of not less than two commission members must be physically present when official actions are taken by the commission. The affirmative vote of not less than two members of the commission shall be required to approve all official actions of the commission.

Section 2.13 Procedure

The commission shall, by resolution, establish its rules of procedure and time and place of its meetings. The commission shall convene in a publicly noticed meeting at least once each month.

Section 2.14 Compensation

The compensation of the commissioners and all other officers and employees of Petroleum County shall be set by ordinance or by contract.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 The County Manager

The county manager, who shall be the chief executive and chief administrative officer of Petroleum County, shall be appointed by the county commission for a term established in written contract. The county manager shall be appointed on the basis of merit only and may be removed only by the affirmative vote of a majority of the county commission.

Section 3.01.1 Duties of the Manager

The county manager shall:

1. enforce laws, ordinances, resolutions and this Charter;
2. perform the duties required by law, ordinance, resolution or this Charter;
3. administer the affairs of the Petroleum County government;
4. direct, supervise, and administer all departments, agencies, and offices of the County except as otherwise provided by law, ordinance or this Charter;
5. carry out policies established by the commission;
6. prepare the commission agenda;
7. recommend measures to the commission;
8. report to the commission on the affairs and financial condition of the county government;
9. execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
10. report to the commission as the commission may require;
11. attend commission meetings and may take part in the discussion, but may not vote;
12. prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;

13. appoint, suspend, and remove all employees of the County except as otherwise provided by law, ordinance or this Charter;
14. appoint members of temporary advisory committees established by the county manager.

Section 3.01.2 County Manager's Supervisory Authority

1. Employees appointed by the county manager and his or her subordinates shall be administratively responsible to the county manager.
2. Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the county manager or any subordinates are empowered to appoint.
3. Except for the purpose of inquiry or investigation ordered by a majority vote of the commission, the commission and any of its members shall deal with the county employees who are subject to the direction and supervision of the county manager solely through the county manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

Section 3.02 Chief Legal Officer

1. There shall be a chief legal officer of Petroleum County, who may be called the county attorney. The county attorney, who shall have the qualifications required by law, shall be appointed by the county manager with the consent of the commission.
2. The county attorney shall serve as legal advisor to the county commission, the county manager, and all county departments, offices and agencies.
3. The county attorney shall represent the county in all legal proceedings unless otherwise determined by the commission and shall perform other duties prescribed by law or ordinance. The commission may engage such additional legal counsel as may be required to meet exigent circumstances.
4. The county attorney shall be supervised by the county manager and shall have the status of a department head, except that he or she may not be removed or suspended by the county manager without the consent of the commission.

Section 3.03. Chief Law Enforcement Officer

1. There shall be a chief law enforcement officer of Petroleum County who may be called the county sheriff. The county sheriff shall be appointed by the county manager with the consent of the commission.
2. The county sheriff shall perform those duties required by law and ordinance and may also be designated and serve as county coroner.
3. The county sheriff shall be supervised by the county manager and shall have the status of a department head, except that he or she may not be removed or suspended by the county manager without the consent of the commission.

Section 3.04 County Clerk and Recorder

1. There shall be a county clerk and recorder of Petroleum County who shall be appointed by the county manager with the consent of the county commission.
2. The county clerk and recorder shall perform those duties required by law and ordinance and may also be designated and serve as clerk of district court.
3. The county clerk and recorder shall be supervised by the county manager and shall have the status of a department head, except that he or she may not be removed or suspended by the county manager without the consent of the commission.

Section 3.05 Executive Branch Officers to Serve Under Contract

1. At any time after the effective date of this Charter, the appointment of a chief legal officer, chief law enforcement officer and county clerk and recorder shall be accomplished by means of a written contract negotiated by the county manager for approval by the Petroleum County Commission. The county manager's contract shall be negotiated by the county commission.
2. The contract between Petroleum County and the executive branch officers named above shall specify the officer's duties and responsibilities, conditions of employment and compensation.
3. Said contract shall not exceed a duration of one year unless specifically extended or renewed by majority vote of the Petroleum County Commission.
4. The required qualifications of the executive branch officers appointed by contract shall be the qualifications required by law, except the qualifications for suffrage or county residency, which shall not be requirements for appointment.

ARTICLE IV JUDICIAL BRANCH

Section 4.01 County Court

There shall be such county courts as are prescribed by law.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 Organization of Departments

The organization of county departments shall be prescribed by ordinance.

ARTICLE VI GENERAL PROVISIONS

Section 6.01 Initiative, Referendum and Recall

The right of the people of Petroleum County to exercise their power of initiative, referendum and recall of local government officials is protected by the Montana Constitution and is herewith specifically recognized by this Charter.

Section 6.02 Amendment of Charter

This Charter may be amended only by a vote of the people, as prescribed by law.

Section 6.03 Effective Date

This Charter shall become effective on July 1, 2007.

Section 6.04 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held to be invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE VII TRANSITION PROVISIONS

Section 7.01 General Transition

1. Transition to this charter form of government shall be as prescribed by law. The Study Commission shall provide for such transition with an advisory plan consistent with law.

2. This transition article and its provisions shall not be published as part of the Charter after June 30, 2007.

Section 7.02 Continuation in Office

1. No current county employee shall lose employment solely because of the adoption of this Charter.

2. All persons holding elective office at the time this Charter is adopted may continue in office until their successors are elected, qualified and sworn into office.

Section 7.03 Review of Existing Ordinances

All county ordinances, resolutions and rules shall remain in effect until reviewed, continued, revised or repealed by the county commission. The county commission shall review and, where necessary, revise or repeal all county ordinances and resolutions to

provide for compliance and consistency with this Charter and state law no later than December 31, 2007.

We, the Study Commissioners of Petroleum County do hereby certify that this is the proposed plan of government for Petroleum County approved by the Study Commission of Petroleum County.

Done at Winnett this 15 day of Aug 2006.

SEAL

Raymond A. Hale
Ray Hale, Chairman

James E. Brady
James E. Brady

Gary Gersumel
Gary Gersumel

ATTEST:

Petroleum County Clerk and Recorder

CERTIFICATE C

ESTABLISHING THE DATE OF THE SPECIAL ELECTION AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT SHALL BE PRESENTED TO THE ELECTORS OF PETROLEUM COUNTY

The alternative form of government proposed by the Petroleum County Study Commission shall be submitted to the voters of Petroleum County at a special election to be held with the general election on November 7, 2006.

We, the Study Commissioners of Petroleum County do hereby certify that this is the date of the special election approved by the Study Commission of Petroleum County.

In testimony whereof, we set our hands.

Done at Winnett this 15th day of Aug., 2006.

SEAL

Raymond A. Hale
Ray Hale, Chairman

James E. Brady
James E. Brady

Gary L. Gershamel
Gary Gershamel

ATTEST:

Mary H. Brindley
Petroleum County Clerk and Recorder

CERTIFICATE D
ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 7, 2006 GENERAL ELECTION

Instruction to voter: Place an **X** in the boxes which express your preferences.

OFFICIAL BALLOT

BALLOT ON ADOPTION OF A SELF-GOVERNMENT CHARTER
WITH COUNTY MANAGER PLAN OF GOVERNMENT
FOR
PETROLEUM COUNTY

If the proposed form of government fails to receive a majority of the votes cast on the question, the suboptions also fail. If the proposed form is adopted, the suboptions require only a plurality of the votes cast on each suboption for adoption.

Please vote on all three proposals

1.
Vote for One.

- ☐ For adoption of the self-government charter with the county manager plan of government proposed for Petroleum County by the Petroleum County Local Government Review Study Commission.
- ☐ For the existing county manager form of government..

2.
Vote for One.

Suboption to be included in the new form of government, if it is adopted.

Election of county commissioners:

- ☐ County commissioners shall be nominated by commissioner district and elected at large, as presently conducted.
- ☐ County commissioners shall be elected at large, without commissioner districts.

3.
Vote for One

Suboption to be included in the new form of government if it is adopted

Election of county commissioners:

Shall be conducted on a partisan basis, with the political party affiliation of the candidates indicated on the ballot, as presently conducted.

Shall be conducted on a nonpartisan basis without the political party affiliation of the candidate indicated on the ballot.

We, the Study Commissioners of Petroleum County do hereby certify that this is the official ballot approved by the Study Commission of Petroleum County.

In testimony whereof, we set our hands.

Done at Winnett this 15th day of Aug., 2006.

SEAL

Raymond A. Hale
Ray Hale, Chairman

James E. Brady
James E. Brady

Gary L. Gershmel
Gary Gershmel

ATTEST:

Mary H. Brindley
Petroleum County Clerk and Recorder

CERTIFICATE E

ESTABLISHING THE EFFECTIVE DATE OF THE PROPOSED CHARTER

If approved by the voters, the proposed charter will become effective on July 1, 2007.

We, the Study Commissioners of Petroleum County do hereby certify that this is the effective date of the proposed charter if approved by the voters.

In testimony whereof, we set our hands.

Done at Winnett this 15th day of Aug., 2006.

SEAL

Raymond A. Hale
Ray Hale, Chairman

James E. Brady
James E. Brady

Gary L. Gershmel
Gary Gershmel

ATTEST:

Mary H. Brinley
Petroleum County Clerk and Recorder

IS A SELF-GOVERNMENT CHARTER RIGHT FOR PETROLEUM COUNTY?

The Voters Will Decide on November 7!

ADVANTAGES OF A COUNTY CHARTER

- ** Requires written contract to appoint county manager, attorney, sheriff and clerk-recorder/clerk of court.
- ** Clarifies the roles and duties of the county commission and county manager.
- ** Sets limits on county taxing powers.
- ** Requires public hearings before any increase in county fees or utility rates.
- ** Acquires self-government powers for Petroleum County.
- ** Assures citizen understanding of what county government can and **cannot** do.
- ** Allows voters to decide how county commissioners will be elected.

DISADVANTAGES OF A COUNTY CHARTER

- ** No known disadvantages.

Please Vote on November 7.

Dear Citizens of Petroleum County,

The Petroleum County Local Government Review Study Commission, elected by the voters in November 2004, proposes a County Charter to the Voters of Petroleum County for consideration.

The Study Commission has determined that the advantages of adopting a County Charter include:

- ! Greater accountability of appointed county officials who will now serve under written contract
- ! Clarification of the roles and duties of the elected county commission and the appointed county manager.
- ! Specific limits on the taxing powers of the county government.
- ! Required public hearings before any increase in county fees or utility rates.
- ! Self-government powers for Petroleum County.
- ! Easier citizen understanding of what County government can and **cannot** do.
- ! Voters to decide how county commissioners are to be elected as suboptional choices to charter.

After careful consideration we have also concluded that the adoption of a County Charter by the voters poses no disadvantages for the citizens, taxpayers and residents of Petroleum County. A comparison of the important characteristics of the existing and proposed plans of government is included for your consideration.

We urge all Petroleum County voters to study the proposed charter (copies of which are available at no cost in the County Courthouse) and to discuss its provisions with the County Commissioners. For more information, please don't be reluctant to contact the members of the Study Commission listed below.

Sincerely,

Ray Hale, Chairman

James E. Brady

Gary Gershmel

Free copies of the charter are now available at the County Courthouse.

COMPARISON OF CHARACTERISTICS OF THE
COUNTY MANAGER FORM AND THE CHARTER FORM WITH A COUNTY MANAGER

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
FORM OF GOVERNMENT	County Manager Elected county commission performs policy-making functions. Appointed county manager administers government under direction of the board of county commissioners.	CHARTER with County Manager Elected county commission performs policy-making functions. Appointed county manager administers government under direction of the board of county commissioners.	No Change except that the county manager must be appointed by written contract.
POWERS	General government powers	Self-government powers	The charter limits the county's taxing authority to that of a general powers government except by a vote of the people and requires public hearings be held for any increase in fees and utility rates.
GOVERNING BODY	Elected county commission is the governing body of Petroleum County.	Elected county commission is the governing body of Petroleum County.	No change.
Size and Election	3 county commissioners nominated by district and elected at large in partisan elections.	3 county commissioners nominated by district and elected at large <u>or</u> at large without districts on a partisan <u>or</u> nonpartisan ballot, as determined by the voters if the charter is adopted.	Whether the county commission will be nominated by district and elected at large or at large without districts and on a partisan or nonpartisan basis will be determined by the voters as suboptional choices, <u>if</u> the charter is adopted. If the charter fails, the suboptional choices will also fail and the county will continue to elect county commissioners at large from districts on a partisan ballot.
Term	6 year overlapping terms of office.	6 year overlapping terms of office.	No change.
Presiding Officer	Chairman selected by the county commission from among their own number.	Chairman selected by the county commission from among their own number.	No change.
CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER	The appointed county manager is the chief-executive officer who administers the operations of county government.	The appointed county manager is the chief-executive officer who administers the operations of county government	No change except that the charter will require that the county manager must be appointed by written contract.
Powers and Duties	The county manager carries out the policies of the county commission, advises the commission, executes the budget approved by the commission and enforces laws and ordinances.	The county manager carries out the policies of the county commission, advises the commission, executes the budget approved by the commission and enforces laws and ordinances.	No change.
Appointment Powers	The county commission appoints the members of all boards and commissions.	The county commission appoints the members of all boards and commissions.	No change.
Budget Preparation	County manager prepares preliminary budget for consideration by county commission. Budget is then modified and approved by the county commission for execution by the manager.	County manager prepares preliminary budget or consideration by county commission. Budget is then modified and approved by the county commission	No change.



MONTANA DEPARTMENT OF ADMINISTRATION

Local Government Services Bureau-Systems Program

301 South Park Avenue Room 340
PO Box 200547
Helena, MT 59620-0547

Phone: (406) 841-2909
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January 16, 2008

Publications Librarian
Montana State Library
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RE: Local Government Study Commission Reports

As required in 7-3-187, MCA, we are required to forward to the State Library a copy of the final reports of Local Government Study Commissions that we receive in our office. Enclosed please find the Local Government Study Commission report for the following:

Phillips County

Sincerely,

A handwritten signature in blue ink, appearing to read "Heather Voeller", written over a horizontal line.

HEATHER VOELLER, Program Assistant
Local Government Services Bureau

Enclosures

Misc 18294
335784

PHILLIPS COUNTY STUDY COMMISSION

Nov 15, 2004 to
Nov 27, 2006

335784 B-MISC P-18294
PHILLIPS COUNTY Fee \$.00
Filed 01/08/2007 At 08:15 AM
Laurel N Hines, Clerk and Recorder
By Laurel N Hines, Deputy

Official Vote: General Election November 7, 2006

ALTERNATIVE FORM OF
LOCAL GOVERNMENT
FOR PHILLIPS COUNTY

FOR adoption of the charter 720
form of government that shall
possess self-government powers
as proposed in the report of the
Phillips County Local
Government Study Commission.

FOR the existing form of 1024
government.

Report of the Phillips County Local Government Study Commission

The Phillips County Local Government Study Commission elected by the voters of this county is recommending a change in the charter of government under which Phillips County is governed. The proposed charter of government for the county is printed in its entirety below.

At the general election on Nov. 7, 2006, county voters will have the option of voting for adoption of the proposed charter which would give county government "self governing powers" or they may vote to retain the "existing" county government charter which gives county government general governing powers.

Under self governing powers, county government would have the option of taking actions not expressly prohibited by state law. Under the existing general government powers charter, the county can only take actions expressly allowed by state law.

It is the Study Commissions' opinion that adoption of the proposed charter would not change the existing operation of county government in any way. What it would do is give county government the potential flexibility to take future actions if opportunities arise in areas in which they cannot under the current charter of government act. For example, self-governing powers would give the county the

authority to develop alternative sources of energy such as wind turbines and to operate its own public utility.

The proposed charter would not give county government any additional taxing powers than it already has. Nor would it remove any current state restrictions on taxation. The proposed charter would not change the make up of county government in any way nor would it change the citizens' right of initiative or recall as currently exists.

If enacted, the proposed charter would become effective Jan. 1, 2007.

The Phillips County Local Government Study Commission consists of:

Gary Knudsen, Chairman
Ned Mangis
James Cox
Jean Pewitt, Secretary

The question of whether to accept the proposed new charter for county government or to maintain the existing for will appear on the general election ballot Nov. 7. The wording will be as appears below:

Ballot on the Alternative Form of Local Government

- () For adoption of the Charter Form of Government that shall possess self-government powers as proposed in the report of the Phillips County Local Government Study Commission.
- () For the existing form of government.

PROPOSED CHARTER FOR PHILLIPS COUNTY GOVERNMENT

Phillips County, Montana

Preamble

We, the People of Phillips County, State of Montana, in accordance with Article XI, Section 5 of the Constitution of the State of Montana, do hereby adopt this Charter.

Article I

Powers of the County

Section 1.01 Powers of Phillips County

Phillips County shall have all of the powers not prohibited by the Constitution of the State of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

The self government powers and authority of this government shall be liberally construed. Every reasonable doubt as to the existence of a county power or authority shall be resolved in favor of the existence of that county power or authority.

Section 1.03 Restriction on Powers

The mill levy shall be limited to that of Montana county government with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special election.

established by ordinance. The chairman of the commission shall be its presiding officer and shall vote as other commissioners.

Section 2.12 Powers and Duties

All powers of the county shall be vested in the commission except as otherwise provided by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the county by law.

Section 2.13 Rules of Procedure

The commission shall establish its rules of procedure and the time and place of meeting by resolution. There shall be a minimum of one meeting of record each month properly noticed and with a published agenda.

Section 2.14 Legislative Action

The adoption of any resolution or ordinance by the commission shall require the affirmative vote of not less than two (2) commission members.

Section 2.15 Compensation

The compensation of commission members shall be as prescribed by current law.

Section 5.05 Vacancy in Office

The office of an elected department head becomes vacant as prescribed by law.

Section 5.06 Removal of Office

An elected department head may be removed from office by a finding, adopted by affirmative vote of two (2) commissioners, that his or her office has become vacant as prescribed by law, or by the recall of the elected department head by electors of Phillips County, as prescribed by law.

Section 5.07 Filling Vacancy of Elected Department Head

When a vacancy occurs in the office of an elected department head, the position shall be considered open and subject to nomination and election at the next general county election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such elections and qualification the commission shall appoint, by affirmative vote of two (2) commission members, a person possessing the qualifications for office required by law at this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 5.08 Consolidation of Offices

approval of a majority of the electors voting on the question in a general or special election.

Section 1.04 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of the State of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

Article II

Legislative Branch

Section 2.01 Legislative Body

The elected legislative body of Phillips County shall be the board of county commissioners which shall have the power to set policy by adoption of lawful ordinances and resolutions.

Section 2.02 Governing Body

The governing body of Phillips County shall be the board of county commissioners, which may be called the county commission or the commission.

Section 2.03 Composition

The board of county commissioners shall be composed of three (3) commissioners, one elected from each of (3) districts.

Section 2.04 Qualifications for Office

Every resident of Phillips County who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution is eligible to hold the office of commissioner for the district in which he or she resides.

Section 2.05 Term of Office

Members of the commission shall be elected for six (6) year overlapping terms of office. One commissioner shall be elected every two years.

Section 2.06 Election

Local government elections shall be conducted on a partisan basis. The commission shall be elected at large and the candidates for the commission shall reside in the commission district they seek to represent.

Section 2.07 Division of the County into Commissioner Districts

Following each federal decennial census the commission shall cause the county to be divided into three commissioner districts, as compact and equal in population and are as possible.

Section 2.08 Vacancy in Office

The office of commissioner becomes vacant as prescribed by law.

Section 2.09 Removal from Office

A commissioner may be removed from office by a finding, adopted by the affirmative vote of two (2) commission members, that the office has become vacant as prescribed by law, or by the recall of the commissioner by the electors of Phillips County, as prescribed by law.

Section 2.10 Filling Vacancy on Commission

When a vacancy occurs in the office of commissioner, the position shall be considered open and subject to nominations and election at the next general election except the term of office.

The compensation of commission members shall be as prescribed by current law.

Article III

Executive Branch

Section 3.01 Executive and Administrative Functions

The chief executive and chief administrative functions of Phillips County government shall be vested in the three elected members of the board of the county commissioners whose term in office and method of selection are set forth in Article II of this Charter.

Section 3.02 Powers and Duties

The board of county commissioners shall: enforce laws, this Charter, ordinances, and resolutions and carry out policies established by the commission; perform the duties required by law, Charter, ordinance, or resolution; administer the affairs of Phillips County government; direct, supervise, and administer all departments, agencies, and offices of the Phillips county government except as otherwise provided by law, ordinance or this Charter; prepare a commission meeting agenda; execute bonds, notes, contracts, and written obligations of the county; prepare, adopt and administer the county budget; appoint all members of boards and committees; appoint and remove all department heads who are not elected; and appoint and remove all other employees not serving under elected department heads; exercise the direct control and supervision of departments not headed by elected officials or boards.

Section 3.03 Terms of Appointed Boards

All county appointed board members shall serve terms as prescribed by law and/or by the laws of that board.

Article IV

Judicial Branch

Section 4.01 County Courts

There shall be such county courts as prescribed by law.

Article V

Department Structure

Section 5.01 Elected Department Heads - County Officers

The following county officers, who may be called elected department heads, who shall have the powers and duties prescribed by law, shall be elected:

- county attorney
- sheriff/coroner
- clerk and recorder/surveyor/auditor
- clerk of district court
- treasurer/assessor
- superintendent of school
- justice of the Peace

Section 5.02 Qualifications for Office

Every resident of Phillips County who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution, is eligible for election to the office of an elected department head, enumerated in Section 5.01 above, except for the position of county attorney and county superintendent.

Section 5.08 Consolidation of Offices

The commission shall have the authority in its discretion to consolidate any two or more offices included in Section 5.01 above and combine the powers and duties of the consolidated offices.

Section 5.09 Organization of Other Departments

The organization of all other county departments shall be prescribed by ordinance.

Section 5.10 Compensation

The compensation of department heads shall be set as prescribed by law.

Article VI

General Provisions

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 6.02

This Charter shall become effective on January 1, 2007.

Section 6.03 Oath of Office

Before assuming the duties of office, all elected county officials shall take and subscribe to the oath as prescribed in Article III, Section 3 of the Constitution of the State of Montana.

Section 6.04 Right of Initiative

The citizens of Phillips County retain the right of initiative as provided by law and the Montana State Constitution.

Section 6.05 Recall

The elected officers of county government may be recalled by the qualified electors of Phillips County as provided by law. No person may be recalled for performing a mandatory duty of the office he or she holds or for not performing any act that, if performed, would subject him or her to prosecution for official misconduct.

Section 6.06 Severability

If any provision of this Charter is held invalid, the provisions of this Charter shall not be affected thereby. If the application of the Charter, or any other part of its provision, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Article VII

Transitional Provisions

Section 7.01 General Transition

Transition to this charter form of government shall be prescribed by law. The Phillips County Study Commission shall provide for such transition with an advisory plan consistent with law, Article VII and its transition provisions, shall not be published as part of the Charter after January 1, 2008.

Section 7.02 Continuation in Office

No county employee currently holding any office will lose employment solely because of the adoption of this Charter. Elected officials holding office at the time this Charter is adopted

board of county commissioners which shall have the power to set policy by adoption of lawful ordinances and resolutions.

Section 2.02 Governing Body

The governing body of Phillips County shall be the board of county commissioners, which may be called the county commission or the commission.

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Section 2.05 Term of Office

Members of the commission shall be elected for six (6) year overlapping terms of office. One commissioner shall be elected every two years.

Section 2.06 Election

Local government elections shall be conducted on a partisan basis. The commission shall be elected at large and the candidates for the commission shall reside in the commission district they seek to represent.

Section 2.07 Division of the County into Commissioner Districts

Following each federal decennial census the commission shall cause the county to be divided into three commissioner districts, as compact and equal in population and are as possible.

Section 2.08 Vacancy in Office

The office of commissioner becomes vacant as prescribed by law.

Section 2.09 Removal from Office

A commissioner may be removed from office by a finding, adopted by the affirmative vote of two (2) commission members, that the office has become vacant as prescribed by law, or by the recall of the commissioner by the electors of Phillips County, as prescribed by law.

Section 2.10 Filling Vacancy on Commission

When a vacancy occurs in the office of commissioner, the position shall be considered open and subject to nominations and election at the next general county election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election the commission shall appoint, by the affirmative vote of two (2) commission members, a person possessing the qualifications for office requires by law and this Charter within 30 days of the vacancy to hold office until the successor is elected.

Section 2.11 Chairman of the Commission

The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term

Section 3.02 Powers and Duties

The board of county commissioners shall: enforce laws, this Charter, ordinances, and resolutions and carry out policies established by the commission; perform the duties required by law, Charter, ordinance, or resolution; administer the affairs of Phillips County government; direct, supervise, and administer all departments, agencies, and offices of the Phillips County government except as otherwise provided by law, ordinance or this Charter; prepare a commission meeting agenda; execute bonds, notes, contracts, and written obligations of the county; prepare, adopt and administer the county budget; appoint all members of boards and committees; appoint and remove all department heads who are not elected; and appoint and remove all other employees not serving under elected department heads; exercise the direct control and supervision of departments not headed by elected officials or boards.

Section 3.03 Terms of Appointed Boards

All county appointed board members shall serve terms as prescribed by law and/or by the laws of that board.

Article IV Judicial Branch

Section 4.01 County Courts

There shall be such county courts as prescribed by law.

Article V Department Structure

Section 5.01 Elected Department Heads - County Officers

The following county officers, who may be called elected department heads, who shall have the powers and duties prescribed by law, shall be elected:

- county attorney
- sheriff/coroner
- clerk and recorder/surveyor/auditor
- clerk of district court
- treasurer/assessor
- superintendent of school
- justice of the Peace

Section 5.02 Qualifications for Office

Every resident of Phillips County who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution, is eligible for election to the office of an elected department head, enumerated in Section 5.01 above, except for the position of county attorney and county superintendent of schools. Qualifications for the offices of county attorney and county superintendent of schools shall be those prescribed by law.

Section 5.03 Term of Office

Elected department heads shall be elected for a four (4) year term of office.

Section 5.04 Election

Elected department heads shall be nominated and elected at large on a partisan basis.

Article VI General Provisions

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 6.02

This Charter shall become effective on January 1, 2007.

Section 6.03 Oath of Office

Before assuming the duties of office, all elected county officials shall take and subscribe to the oath as prescribes in Article III, Section 3 of the Constitution of the State of Montana.

Section 6.04 Right of Initiative

The citizens of Phillips County retain the right of initiative as provided by law and the Montana State Constitution.

Section 6.05 Recall

The elected officers of county government may be recalled by the qualified electors of Phillips County as provided by law. No person may be recalled for performing a mandatory duty of the office he or she holds or for not performing any act that, if performed, would subject him or her to prosecution for official misconduct.

Section 6.06 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any other part of its provision, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Article VII Transitional Provisions

Section 7.01 General Transition

Transition to this charter form of government shall be prescribed by law. The Phillips County Study Commission shall provide for such transition with an advisory plan consistent with law. Article VII and its transition provisions, shall not be published as part of the Charter after January 1, 2008.

Section 7.02 Continuation in Office

No county employee currently holding a county office will lose employment solely because of the adoption of this Charter. Elected officials holding office at the time this Charter is adopted may continue in office until the end of the term for which they were elected, at which time the offices of elected department heads not enumerated in Section 5.01 shall be vacated.

Section 7.03 Review of Existing Ordinances

All county ordinances, resolutions and rules of Phillips County shall remain in effect until reviewed, revised or repealed by the county commission. The county commission shall review and, where necessary, revise or repeal all county ordinances or resolutions to provide for compliance and consistency with this Charter and state law no later than January 1, 2008.

Misc 18284
334967

334967 E-MISC P-18284
PHILLIPS COUNTY Fee \$.00
Filed 08/16/2006 At 08:15 AM
Laurel N Hines, Clerk and Recorder
By Laurel N Hines, Deputy

Establishing the Existing Plan of Government
For
Phillips County, Montana

If retained by the voters, the Government of Phillips County, Montana shall be organized under the following provisions of MCA 7-3-111 which authorizes the elected county official form of government.

7-3-111. Statutory Basis for Elected County Official Government. (1) For the purpose of determining the statutory basis of existing units of local government after May, 2 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
 - (b) 7-3-402;
 - (c) 7-3-412(3);
 - (d) 7-3-413(1);
 - (e) 7-3-414(1);
 - (f) 7-3-415(2);
 - (g) 7-3-416(2);
 - (h) 7-3-417(2);
 - (i) 7-3-418;
 - (j) 7-3-432(1);
 - (k) 7-3-433(1);
 - (l) 7-3-434(1);
 - (m) 7-3-435(1);
 - (n) 7-3-436(1);
 - (o) 7-3-437(1);
 - (p) 7-3-438(1);
 - (q) 7-3-439(1);
 - (r) 7-3-440(1);
 - (s) 7-3-441(1);
 - (t) 7-3-442(1) if the county has elected an auditor;
 - (u) 7-3-442(6) if the county has not elected an auditor;
- (2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

These sections establish the following form of government which shall be called the COMMISSION FORM.

(

((

((

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. Nature of Government. Local government that adopt this form shall have general government powers.

7-3-412(3). Selection of Commission Members. The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominated candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of electors reside.

7-3-413 (1). Type of Election. Local government elections shall be conducted on a partisan basis.

7-3-414 (1). Chairman of Commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415 (1). Administrative assistants. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of local government.

7-3-416 (2). Terms of Commission Members. Commission members shall be elected for overlapping terms of office.

7-3-417 (2). Size of Commission and Community Councils. The size of the commission, shall be three, and community councils to advise commissioners may be authorized by ordinance.

7-3-418. Terms of Elected Officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

7-3-432 (1). **Legal Officer.** A legal officer (who may be called county attorney) shall be elected.

7-3-433 (1). **Law Enforcement Officer.** A law enforcement officer (who may be called the sheriff) shall be elected.

7-3-434 (1). **Clerk and Recorder.** A clerk and recorder shall be elected.

7-3-435 (1). **Clerk of District Court.** A clerk of district court shall be elected.

7-3-436 (1). **Treasurer.** A treasurer shall be elected.

7-3-437 (1). **Surveyor.** A surveyor shall be elected.

7-3-438 (1). **Superintendent of Schools.** A superintendent of schools shall be elected

7-3-439 (1) **Assessor.** An Assessor shall be elected

7-3-440 (1) **Coroner.** A coroner shall be elected.

7-3-442 (1) **Auditor.** An auditor shall be elected if the county has elected an auditor.

7-3-442(6). **Auditor.** An auditor shall not be included in this form as a separate office if the county has not elected an auditor.

We, the Study Commissioners of the Phillips County do hereby certify that this is the official ballot approved by the Study Commissioners of Phillips County.



ATTEST:

Laurel D. Hines
Clerk & Recorder of Phillips
County, Montana

In testimony whereof, we set our hands

Done at 3:00 pm this 15th day of August 2006

[Signature]
[Signature]

Ned & Margie
Phillips County Study Commissioners

(1)

(2)

(3)

Establishing the Dates of First Primary and General Elections
For Officers of the New Government of Phillips County
If the Alternative Proposal is Approved
And
Establishing the Effective Date of the Proposal if Approved

Establishing the dates for the First Primary and General Election for officers of the new government of Phillips County, Montana if the alternative plan of government is approved and establishing the effective date of the plan of government is approved

The date of the primary elections for officers of the new government of Phillips County, Montana shall be the same as for the existing officers under the existing plan of government. Officers serving under the existing plan of government shall serve their full terms under the alternative plan of government.

The effective date of the alternative plan of Local Government for Phillips County, Montana shall take effect when the officers take the oath at 10:00 A.M., January 2, 2007.

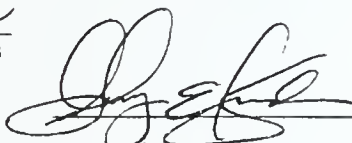
We, the Study Commissioners of the Phillips County do hereby certify that these are the dates of the primary and general election and effective date of the alternative plan of government for Phillips County, Montana approved by the Phillips County Local Government Study Commission.

ATTEST:


Laurel M. Hines
Clerk & Recorder of Phillips
County, Montana

In testimony whereof, we set our hands

Done at 3:00 pm this 15th day of August 2006




Phillips County Study Commissioners

Establishing the Date of the Special Election
At which the Alternative Form of Government
Shall be Presented to the Electors of
Phillips County

The alternative form of government proposed by the Phillips County Study Commission shall be submitted to the voters of Phillips County at a special election to be held with the general election on November 7, 2006.

We, the Study Commissioners of Phillips County do hereby certify that this is the date of the special election approved by the Study Commissioners of Phillips County.

In testimony whereof, we set our hands.

Done at 3:00 pm this 15th day of August 2006



ATTEST: Laurel N. Hines
Clerk & Recorder of Phillips
County, Montana

[Signature]
[Signature]
[Signature]
Phillips County Study Commissioners

**Charter
of
Phillips County, Montana**

Preamble

We, the People of Phillips County, State of Montana, in accordance with Article XI, Section 5 of the Constitution of the State of Montana, do hereby adopt this Charter.

**Article I
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The mill levy shall be limited to that of Montana county government with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special election.

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Every resident of Phillips County who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution is eligible to hold the office of commissioner for the district in which he or she resides.

Section 2.05 Term of Office

Members of the commission shall be elected for six (6) year overlapping terms of office. One commissioner shall be elected every two years.

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Local government elections shall be conducted on a partisan basis. The commission shall be elected at large and the candidates for the commission shall reside in the commission district they seek to represent.

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Following each federal decennial census the commission shall cause the county to be divided into three commissioners districts, as compact and equal in population and are as possible.

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The office of commissioner becomes vacant as prescribed by law.

Section 2.09 Removal from Office

A commissioner may be removed from office by a finding, adopted by the affirmative vote of two (2) commission members, that the office has become vacant as prescribed by law, or by the recall of the commissioner by the electors of Phillips County, as prescribed by law.

Section 2.10 Filling Vacancy on Commission

When a vacancy occurs in the office of commissioner, the position shall be considered open and subject to nominations and election at the next general county election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election the commission shall appoint, by the affirmative vote of two (2) commission members, a person possessing the qualifications for office requires by law and this Charter within 30 days of the vacancy to hold office until the successor is elected.

Section 2.11 Chairman of the Commission

The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance. The chairman of the commission shall be its presiding officer and shall vote as other commissioners.

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All powers of the county shall be vested in the commission except as otherwise provided by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the county by law.

Section 2.13 Rules of Procedure

The commission shall establish its rules of procedure and the time and place of meeting by resolution. There shall be a minimum of one meeting of record each month properly noticed and with a published agenda.

Section 2.14 Legislative Action

The adoption of any resolution or ordinance by the commission shall require the affirmative vote of not less than two (2) commission members.

Section 2.15 Compensation

The compensation of commission members shall be as prescribe by current law.

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The board of county commissioners shall:

1. enforce laws, this Charter, ordinances, and resolutions and carry out policies established by the commission;
2. perform the duties required by law, Charter, ordinance, or resolution;
3. administer the affairs of Phillips County government;
4. direct, supervise, and administer all departments, agencies, and offices of the Phillips county government except as otherwise provided by law, ordinance or this Charter;
5. prepare a commission meeting agenda;
6. execute bonds, notes, contracts, and written obligations of the county;
7. prepare, adopt and administer the county budget;
8. appoint all members of boards and committees;
9. appoint and remove all department heads who are not elected, and appoint and remove all other employees not serving under elected department heads;
10. exercise the direct control and supervision of departments not headed by elected officials or boards.

Section 3.03 Terms of Appointed Boards

All county appointed board members shall serve terms as prescribed by law and/or by the laws of that board.

Article IV Judicial Branch

Section 4.01 County Courts

There shall be such county courts as prescribed by law.

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Department Structure

Section 5.01 Elected Department Heads – County Officers

The following county officers, who may be called elected department heads, who shall have the powers and duties prescribed by law, shall be elected:

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2. sheriff/coroner
3. clerk and recorder/surveyor/auditor
4. clerk of district court
5. treasurer/assessor
6. superintendent of school
7. Justice of the Peace

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Every resident of Phillips County who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution, is eligible for election to the office of an elected department head, enumerated in Section 5.01 above, except for the position of county attorney and county superintendent of schools. Qualifications for the offices of county attorney and county superintendent of schools shall be those prescribed by law.

Section 5.03 Term of Office

Elected department heads shall be elected for a four (4) year term of office.

Section 5.04 Election

Elected department heads shall be nominated and elected at large on a partisan basis.

Section 5.05 Vacancy in Office

The office of an elected department head becomes vacant as prescribed by law.

Section 5.06 Removal of Office

An elected department head may be removed from office by a finding, adopted by affirmative vote of two (2) commissioners, that his or her office has become vacant as prescribed by law, or by the recall of the elected department head by electors of Phillips County, as prescribed by law.

Section 5.07 Filling Vacancy of Elected Department Head

When a vacancy occurs in the office of an elected department head, the position shall be considered open and subject to nomination and election at the next general county election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such elections and qualification the commission shall appoint, by affirmative vote of two (2) commission members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 5.08 Consolidation of Offices

The commission shall have the authority in its discretion to consolidate any two or more offices included in Section 5.01 above and combine the powers and duties of the consolidated offices.

Section 5.09 Organization of Other Departments

The organization of all other county departments shall be prescribed by ordinance.

Section 5.10 Compensation

The compensation of department heads shall be set as prescribe by law.

Article VI General Provisions

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 6.02

This Charter shall become effective on January 1, 2007.

Section 6.03 Oath of Office

Before assuming the duties of office, all elected county officials shall take and subscribe to the oath as prescribes in Article III, Section 3 of the Constitution of the State of Montana.

Section 6.04 Right of Initiative

The citizens of Phillips County retain the right of initiative as provided by law and the Montana State Constitution.

Section 6.05 Recall

The elected officers of county government may be recalled by the qualified electors of Phillips County as provided by law. No person may be recalled for performing a mandatory duty of the office he or she holds or for not performing any act that, if performed, would subject him or her to prosecution for official misconduct.

Section 6.06 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any other part of its provision, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Article VII Transitional Provisions

Section 7.01 General Transition

Transition to this charter form of government shall be prescribed by law. The Phillips County Study Commission shall provide for such transition with an advisory plan consistent with law. Article VII and its transition provisions, shall not be published as part of the Charter after January 1, 2008.

Section 7.02 Continuation in Office

No county employee currently holding a county office will lose employment solely because of the adoption of this Charter. Elected officials holding office at the time this Charter is adopted may continue in office until the end of the term for which they were elected, at which time the offices of elected department heads not enumerated in Section 5.01 shall be vacated.

Section 7.03 Review of Existing Ordinances

All county ordinances, resolutions and rules of Phillips County shall remain in effect until reviewed, revised or repealed by the county commission. The county commission shall review and, where necessary, revise or repeal all county ordinances or resolutions to provide for compliance and consistency with this Charter and state law no later than January 1, 2008.

Phillips County Study Commission

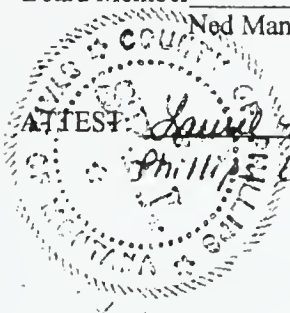
DATED this 15 day of August 2006

Chairman 
Gary Knudsen

Vice Chairman 
James Cox

Board Member 
Ned Mangis

ATTEST 
Phillips County Clerk and Recorder



Establishing the Official Ballot for
the November 7, 2006 Special Election

Instruction to Voters: Place an "X" in the boxes which express your preferences.

Official Ballot
Ballot on the Alternative Form of Local Government

- () For adoption of the Charter Form of Government that shall possess self-government powers as proposed in the report of the Phillips County Local Government Study Commission.
- () For the existing form of government.

We, the Study Commissioners of the Phillips County do hereby certify that this is the official ballot approved by the Study Commissioners of Phillips County.

In testimony whereof, we set our hands

Done at 3:00 pm this 15th day of August 2006



ATTEST: David D. Lines
Clerk & Recorder of Phillips
County, Montana

[Signature]
[Signature]
Ned H. Morgan
Phillips County Study Commissioners

FINAL REPORT
OF THE
LOCAL GOVERNMENT REVIEW STUDY
COMMISSION
FOR THE
CITY OF POLSON , MONTANA

Members of commission:

David Rensvold

Elsa Duford

Nathan Pierce

Ryan Avison

Gayle Siemers

August 17, 2006

RECEIVED

FEB 04 2008

ADMINISTRATION
LOCAL GOVERNMENT
SERVICES BUREAU

**FINAL REPORT
OF THE
LOCAL GOVERNMENT REVIEW STUDY COMMISSION
FOR THE
CITY OF POLSON, MONTANA**

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I. LETTER TO THE CITIZENS OF THE CITY OF POLSON

To the Citizens of the City of Polson:

The City of Polson Study Commission elected by the voters on November 2, 2004, or thereafter appointed, present this final report to you, the citizens of the City of Polson.

"The legislature shall require an election in each local government to determine whether a local government will under take a review procedure once every ten years . . .". Article XI, section 9, of the Montana Constitution. With this statement, the power to examine, scrutinize, assess, and if necessary, change local government structures is clearly in the hands of the citizens of Montana.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state." After completing these two phases of the study, it is the responsibility of the study commission to submit a final report recommending no change or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

In every phase of this review this study commission sought advice and information from as many people in the City as possible. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were advertised and open to the public. Commission members visited with various members of the public to explain the work of the commission and also to hear the viewpoints, ideas, and concerns of community members.

The recommendations of the commission majority, detailed below and in the following pages, reflect the thoughts and opinions of those who participated in public hearings and those who attended our regular meetings in addition to the independent efforts of this study commission.

In this report we present our recommendation for an alternative form of government that we think will efficiently provide the governmental services expected by the people both today and in the future. Our concern has been to provide a form of government that will be responsive to local citizens and provide the opportunity for devising local solutions to local problems. We think the citizens of the City of Polson can achieve these goals by adopting the Charter form of municipal government with an elected City Council and a City Manger appointed by the City Council solely on the basis of qualifications.

The question of adopting this alternative form of government will be placed on the ballot for voter decision on November 7, 2006.

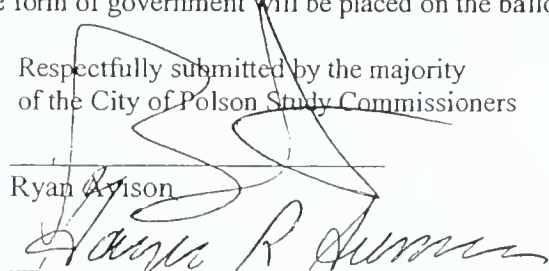


David Rensvold, Chairman

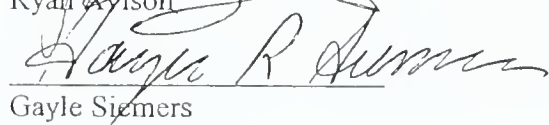


Nathan Pierce

Respectfully submitted by the majority
of the City of Polson Study Commissioners



Ryan Wilson



Gayle Siemers

II. REPORT SUMMARY

The City of Polson Study Commission having thoroughly studied our present form of government and the alternative forms of government available to cities under state law, and having studied the future governmental needs of the City, makes the following findings and recommendations:

A. Findings of the Study Commission

1. Our form of government, common to many other cities and towns in Montana, is called the "Mayor-Council" form.
2. Six council members elected from three (3) precincts or wards serve overlapping terms and act in both a legislative and an administrative capacity.
3. Our city government functions:
 - a. As well as it does because of the individual personalities holding positions.
 - b. Through an informal consensus among all office holders and city employees
 - c. Within it's budget and at the maximum permitted millage
 - d. There appears to be a blurring of administrative, legislative and executive powers
 - e. City government has managed to do some very positive things for the community with the resources given to them
4. Recurring problems which were identified and may or may not be related to either form or function are:
 - a. Department heads excessive work loads – Only have time to deal with current issues and effects their ability to do any forward planning for their department.
 - b. Lack of funding to provide needed work for many departments.
 - c. The impact of city growth on infrastructure
 - d. Lack of direction regarding city planning
 - e. Low tax base
 - f. Lack of citizen interest

Survey Results
273 Survey's returned

1. In general, how responsive is the city government to your needs?
10% very responsive, 44% responsive, 22% not very responsive,
9% very unresponsive, 15% no opinion
2. In your opinion, how fair is your city government in dealing with all of the residents of the community?
10% very fair, 44% fair, 19% not very fair, 12% very unfair, 15% no opinion
3. If you had a problem that needed to be handled by the Mayor or City Council, do you believe they would listen to your concerns and treat you fairly?
29% yes, 34% probably, 16% probably not, 13% no, 8% no opinion
4. If I had to vote tomorrow, I would vote to:
36% keep city government the same as it is now,
23% make a few changes in the city government,
19% make major changes in the city government,
8% completely change the form and powers of the city government,
14% no opinion
5. Do you live on or own property within the city of Polson limits?
94% yes, 5% no, 1% no response
6. Are you a registered voter?
95% yes, 4% no, 1% no response
7. Are you familiar with the City of Polson's form of government?
85% yes, 12% no, 4% no response
8. On a scale of one to five, five being very effective and one being not effective, how would you rate the effectiveness of the current form of government?
9% one, 22% two, 29% three, 22% four, 7% five, 11% no opinion
9. If you own property within the city of Polson, how does your property tax in 2005 compare to the past five years?
1% no increase, 26% small increase, 34% moderate increase, 16% high increase, 4% extremely high increase, 19% don't know or no response

10. How would you rank the following services provided by the City of Polson?

Water Department – 18% excellent, 33% good, 19% satisfactory,
27% unsatisfactory, 3% no opinion

Waste Water Department – 18% excellent, 34% good, 23% satisfactory,
11% unsatisfactory, 14% no opinion

Police Department - 38% excellent, 35% good, 16% satisfactory,
6% unsatisfactory, 5% no opinion

Fire Department - 41% excellent, 36% good, 9% satisfactory,
4% unsatisfactory, 10% no opinion

Library - 39% excellent, 39% good, 8% satisfactory, 4% unsatisfactory,
10% no opinion

Building & Planning Department - 8% excellent, 25% good,
21% satisfactory, 28% unsatisfactory, 18% no opinion

Parks Department - 25% excellent, 41% good, 19% satisfactory,
7% unsatisfactory, 8% no opinion

Golf Department - 34% excellent, 28% good, 8% satisfactory,
4% unsatisfactory, 26% no opinion

Interviews Conducted by the Polson City Government Review Commission

Columbia Falls City Manager - Bill Shaw

Street Superintendent - Rod Hansen

Golf/Parks - Larry Newlin

Librarian - Marilyn Trosper

City Clerk - Aggi Loeser

Fire Chief - Tom Maloney

City Judge - Doug Olson

Chief of Police - Doug Chase

City Treasurer - Bonnie Manicke

Former Councilman – Dan Morrison

Building and Planning – Joyce Weaver

Former Councilman – Mike Maddy

City Attorney – James Raymond

Mayor – Randy Ingram

Councilman – Tom Course

Councilman - Jules Clavadetscher

Councilman - Mike Leis

Park Superintendent - Karen Sargent

Building Inspector - Ron Melvin

Former Councilman – Lou Marchello

City Water and Sewer – Tony Parozzo

Councilman – Fred Funk

Local Government Review Commission
City of Polson
Timetable

Nov. 12, 2004	Study Commission organization meeting, City Hall
Dec. 16-17, 2004	Study Commission training at Montana State University
Feb. 2, 2005 - May 3, 2006	First Wednesday of each month 5:30 meeting at City Hall
May 3, 2006	Public Hearing to gather citizens input on the form, function, powers and problems of city government and the adequacy of city services.
July 5, 2006	Public hearing to gather citizen's input
July 19, 2006	Adopt tentative report
Aug. 2, 2006	Public hearing on tentative report
Aug 17, 2006	Adopt final report
Sept 6, 2006	If final report proposes an alteration of local government, prepare public education materials to help citizens understand the proposal and compare the proposal with existing governmental form, structures and powers.
Oct. 4, 2006	Approve Public education materials and conduct public forum
Nov 15, 2006	If a proposed alteration of government is approved by the voters, initiate transition planning
Dec. 6, 2006	Adopt transition advisory plan
Dec. 31, 2006	Deposit all minutes and other study commission documents with the county clerk and recorder

B. Recommendation of the Study Commission

To address the issues presented, a majority of the Study Commission recommends that a proposed charter form of municipal government with an elected City Council and a City Manager appointed by the City Council based solely upon qualifications, be submitted to the voters for decision.

1. Charter Form (Charter included in this report)
2. City Manager – Council
3. Six (6) council member – 2 elected from 3 wards with over-lapping terms
4. An elected Mayor – shall be recognized as the principal officer of city government for ceremonial purposes and shall have no other executive or administrative duties, except as specifically prescribed by resolution
5. Non-partisan elections

III. COMPARISON OF CHARACTERISTICS OF THE COUNCIL-MAYOR FORM AND CHARTER FORM WITH CITY MANAGER

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
FORM OF GOVERNMENT	<i>Council - Mayor</i> Elected council performs policy making functions. Elected mayor administers government with the advise and consent of the council.	<i>CHARTER with Commission- Manager</i> Elected council performs policy making functions. Appointed professional manager administers government under direction of the City Council.	Achieves single point management accountability and service delivery efficiency.
POWERS	General government powers	Self-government powers	The charter limits the City's taxing authority to that of a general powers government and requires public hearings be held for any increase in fees and utility rates.
GOVERNING BODY	Council and mayor responsible for all legislative, executive and administrative functions.	Council responsible for legislative and policy-making functions that will be carried out by the city manager.	Elected City Council continues as the governing body of the City.
Size	6 council members elected by (ward) in non-partisan elections.	6 council members elected by ward in non-partisan elections	No change.
Term	Four year overlapping terms.	Four year overlapping terms.	No change.
Presiding Officer	Mayor separately elected to four year term.	Mayor separately elected to four year term of office.	No change.
CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER	The elected mayor administers the operations of city government.	A city manager, appointed on the basis of professional qualifications, administers the operations of city government.	Greater management accountability, problem solving capacity and administrative efficiency.
Powers and Duties	The mayor carries out the policies of the council, advises council, executes budget, enforces laws and ordinances.	The city manager carries out the policies of the council, advises the council, executes the budget, and enforces laws and ordinances	Greater management and service delivery efficiency
Appointment Powers	The mayor appoints department heads and members of boards and commissions with consent of the council.	The city manager appoints department heads. The council itself will appoint members of boards and commissions	Greater internal management and project management accountability
Budget Preparation	Mayor prepares the budget in cooperation with department heads. Budget is then modified and approved by the city council.	City manager prepares the budget in cooperation with department heads. Budget is then modified and approved by the city council.	More professional approach to long term planning and resource allocation.

CERTIFICATE A

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR THE
CITY OF POLSON, MONTANA

If retained by the voters, the government of Polson shall remain organized under the following provisions of 7-3-113, M.C.A. which authorizes the municipal council-mayor form of government.

7-3-113. Statutory basis for municipal council-mayor government.

(1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (l) 7-3-217(2); Established by council resolution.
- (j) 7-3-218(2);
- (k) 7-3-219(2); Established by council resolution.
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be six members.

These sections establish the following form of government which shall be called the MUNICIPAL COUNCIL-MAYOR FORM.

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202 (1). Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-203. Duties of the executive. The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission;
- (11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-212 (2). Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213 (3). Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove departments heads and may appoint and remove all other department employees.

7-3-214 (2). Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215 (2). Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216 (2). Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217 (2). Financial officer. A financial officer (who may be called the treasurer) shall be appointed by the executive with the consent of the council.

7-3-218 (2). Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219 (2). Type of election. Local government elections shall be conducted on a nonpartisan basis.

7-3-220 (1). **Chairman of commission.** The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-221 (3). **Presiding officer of the commission.** The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222 (2). **Terms of commission members.** Commission members shall be elected for overlapping terms of office.

7-3-223 (2). **Size of commission and community councils.** The size of the commission shall be six (6), and community councils to advise commissioners may be authorized by ordinance.

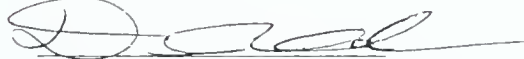
7-3-224. **Terms of elected officials.** The term of office of elected officials shall be four (4) years

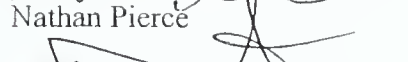


We, the Study Commissioners of the City of Polson do hereby certify that this is the present plan of government of the City of Polson.

In testimony whereof, we set our hands.

Done at Polson, Montana this 23rd day of August, 2006.


David Rensvold, Chairman


Elsa Duford

Nathan Pierce


Ryan Avison

Gayle Siemers

ATTEST:


City Clerk

CERTIFICATE B

PROPOSED CHARTER OF THE CITY OF POLSON

PREAMBLE

WE, THE PEOPLE OF THE CITY OF POLSON, COUNTY OF LAKE, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this self-government Charter.

ARTICLE I POWERS OF THE CITY

Section 1.01 Powers of the City of

The City of Polson shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

1. The self-government powers and authority of this city shall be liberally construed. Every reasonable doubt as to the existence of a city power or authority shall be resolved in favor of the existence of that power or authority.

2. As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

Section 1.03 Restrictions

1. The property tax mill levy of the city shall be limited to that of Montana municipal governments with general powers, except with the prior approval of the electors of the city voting on the question in a general or special municipal election.

2. No increase in any city license fee, user fee or utility charge shall be made without conducting a public hearing, as required by law.

ARTICLE II LEGISLATIVE BRANCH

Section 2.01 City Commission

The legislative branch of the city shall be the city commission, which shall be the governing body of the city. The city commission may be referred to as the city council.

Section 2.02 Composition

The city commission shall be composed of six (6) commissioners, two elected from each of three (3) wards and a mayor, elected at large.

Section 2.03 Qualifications for Office

Every resident of the City of Polson who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution and who has resided within the city limits of the City of Polson for more than one year is eligible to hold the office of commissioner or mayor.

Section 2.04 Terms of Office

1. Members of the commission shall be elected to four year, overlapping terms of office.
2. The mayor shall be elected to a four year term of office.

Section 2.05 Elections

1. Commission members and the mayor shall be elected on a nonpartisan basis.
2. Commission members shall be elected by district (ward), which are apportioned by population. Candidates for the commission must reside within the ward they seek to represent at the time of their election and during the entire term of office.
3. The mayor shall be elected at large and must reside within the city limits of the City of Polson at the time of election and during the entire term of office.

Section 2.06 Vacancy in Office

The offices of commissioner and mayor become vacant as prescribed by law.

Section 2.07 Removal from Office

A commissioner or the mayor may be removed from office by a finding, adopted by the affirmative vote of four (4) commissioners, that the office has become vacant as prescribed by law, or by the recall of the commissioner or the mayor by the electors of Polson, as prescribed by law.

Section 2.08 Filling Vacancies

When a vacancy occurs in the office of commissioner or in the office of mayor, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification, the commission

shall appoint within 30 days of the vacancy, by the affirmative vote of a majority of the commission members, a person possessing the qualifications for office required by law and this Charter to hold the office until the successor is elected and qualified.

Section 2.09 Powers and Duties

1. The commission shall be the legislative and policy-making body of the city. All governing powers of the city shall be vested in the city commission except as otherwise provided by law or this Charter and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this Charter.

2. All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the commission. The appointment process shall be prescribed by commission resolution.

Section 2.10 Chairman of the Commission

The chairman and presiding officer of the commission shall be the mayor, who shall vote as other members of the commission and shall not have veto authority. In the absence of the mayor, the commission shall select a person from among their own number to serve as acting chairman and presiding officer.

Section 2.11 Other Duties of the Mayor

The mayor shall, be recognized as the principal officer of city government for ceremonial purposes and shall have no other executive or administrative duties, except as specifically prescribed by resolution.

Section 2.12 Legislative Action

1. A quorum of not less than four (4) commission members, one of whom may be the mayor, must be physically present when official actions are taken by the commission.

2. The affirmative vote of a majority of the commission members physically present at a lawful meeting of the commission, one of whom may be the mayor, shall be required for all official actions of the commission.

Section 2.13 Procedure

The commission shall, by resolution, establish its rules of procedure and time and place of meetings.

Section 2.14 Compensation

The compensation of the commission shall be set by ordinance.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 The City Manager

1. The city manager, who shall be the chief executive and chief administrative officer of the city, shall be appointed by the city commission on the basis of merit only and may be removed only by the affirmative vote of four (4) members of the city commission.
2. The city manager shall be appointed by written contract which shall specify the duties and responsibilities, conditions of employment and compensation of the city manager. Said contract shall not exceed a duration of two years unless specifically extended or renewed by majority vote of the city council

Section 3.02 Duties of the Manager

The city manager shall:

1. enforce laws, ordinances, resolutions and this Charter;
2. perform the duties required by law, ordinance, resolution or this Charter;
3. administer the affairs of the city government;
4. direct, supervise, and administer all departments, agencies, and offices of the city except as otherwise provided by law, ordinance or this Charter;
5. carry out policies established by the commission;
6. prepare the commission agenda;
7. recommend measures to the commission;
8. report to the commission on the affairs and financial condition of the city government;
9. execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
10. report to the commission as the commission may require;
11. attend commission meetings and may take part in the discussion, but may not vote;
12. prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
13. appoint, suspend, and remove all employees of the city except as otherwise provided by law, ordinance or this Charter;
14. appoint members of temporary advisory committees established by the city manager.

Section 3.03 City Manager's Supervisory Authority

Employees appointed by the city manager and his or her subordinates shall be administratively responsible to the city manager. Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the city manager or any subordinates are empowered to appoint. Except for the purpose of inquiry or investigation ordered by a majority vote of the commission, the commission and any of its members shall deal

with city employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

Section 3.04 Compensation

The compensation of the manager shall be set by ordinance.

Section 3.05 Chief Legal Officer

1. There shall be a chief legal officer of the city, who may be called the city attorney, Who must be an attorney licensed to practice law in Montana, appointed by the city manager with the consent of the commission, who shall serve as legal advisor to the city commission, the city manager, and all city departments, offices and, if prescribed by a resolution of the commission, any agency or committee deriving its jurisdiction from the city.

2. The chief legal officer shall be appointed by written contract which shall specify the duties and responsibilities, conditions of employment and compensation of the chief legal officer. Said contract shall not exceed a duration of two years unless specifically extended or renewed by majority vote of the city council.

3. The chief legal officer shall represent the city in all legal proceedings unless otherwise determined by the commission and shall perform other duties prescribed by ordinance. On the advice of the chief legal officer the commission may engage such additional legal counsel as may be required to meet exigent circumstances who shall in such event be supervised by the chief legal officer.

4. The chief legal officer shall be supervised by the city manager and shall have the status of a department head, except that he or she may not be removed or suspended by the city manager without the consent of the commission. Any contract for service of such chief legal officer shall reflect the terms of this section.

5. Nothing in this section shall be construed to prevent the chief legal officer from engaging in the private practice of law during the appointment thereto.

ARTICLE IV JUDICIAL BRANCH

Section 4.01 City Court

There shall be a city court or municipal court as prescribed by law.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01

The organization of city departments shall be prescribed by ordinance.

ARTICLE VI GENERAL PROVISIONS

Section 6.01 Amendment of Charter

This Charter may be amended only by the electors, as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on July 1, 2007.

Section 6.03 Oath of Office

Before assuming the duties of office, all elected city officials and the city manager shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

Section 6.04 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE VII TRANSITION PROVISIONS

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The Study Commission shall provide for such transition with an advisory plan consistent with law. This transition article shall not be published as part of the Charter after June 30, 2008.

Section 7.02 Continuation in Office

1. No current city employee shall lose employment solely because of the adoption of this Charter.

2. All members of the city council holding office at the time this Charter is adopted may continue in office until their successors are elected, qualified and sworn into office.

3. The person serving as the incumbent mayor in the existing, council-mayor form of government may continue in that office until such time as the city manager is sworn into office, at which time the office of mayor in the existing council-mayor form of government shall be vacated. Pursuant to the provisions of section 2.08 of this Charter, the commission may

appoint the incumbent mayor to serve as the mayor of the new government until the expiration of his original term of office.

Section 7.03 Review of Existing Ordinances

All city ordinances, resolutions and rules of the City of Polson shall remain in effect until reviewed, continued, revised or repealed by the city commission. The city commission shall review and, where necessary, revise or repeal all city ordinances to provide for compliance and consistency with this Charter and state law no later than June 30, 2008.

We, the Study Commissioners of the City of Polson do hereby certify that this is the plan of government proposed for the City of Polson by the Polson Local Government Review Study commission.

In testimony whereof, we set our hands.

Done at Polson, Montana this 23rd day of August, 2006.




David Rensvold, Chairman

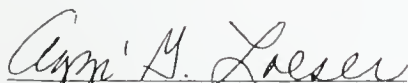
Elsa Duford

Nathan Pierce

Ryan Avison

Gayle Siemers

ATTEST:


City Clerk

CERTIFICATE C

ESTABLISHING THE DATE OF THE ELECTION

AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT

SHALL BE PRESENTED TO THE ELECTORS OF THE

CITY OF POLSON

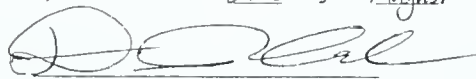
The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Polson at a special election to be held with the general election on November 7, 2006 .

We, the Study Commissioners of the City of Polson do hereby certify that this is the date of the special election approved by the Study Commissioners of the City of Polson.

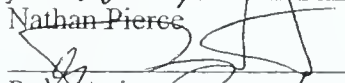
In testimony whereof, we set our hands.

Done at Polson , Montana this 23rd day of August 2006.




David Rensvold, Chairman

Elsa Dufford


Nathan Pierce


Ryan Avison

Gayle Siemers


ATTEST:


City Clerk

CERTIFICATE D
ESTABLISHING THE OFFICIAL BALLOT FOR THE NOVEMBER 7, 2006
GENERAL ELECTION

Instruction to voter: Place an "X" in the boxes which express your preferences.

OFFICIAL BALLOT
ON THE ALTERNATIVE FORM OF LOCAL GOVERNMENT

This ballot question proposed by a majority of the Polson Local Government Review Study Commission will determine whether the City of Polson will adopt a self-government charter with a city manager or continue the present council-mayor plan of government

Vote for One.

FOR adoption of the self-government charter with a council-manager plan of government proposed for the City of Polson by a majority of the Polson Local Government Review Study Commission.

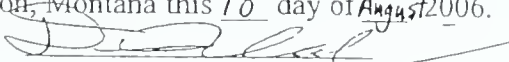
FOR the present council-mayor form of government

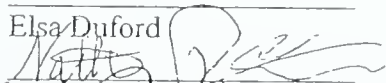
We, the Study Commissioners of the City of Polson do hereby certify that this is the official ballot for the special election approved by the Study Commissioners of the City of Polson.

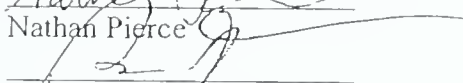
In testimony whereof, we set our hands.

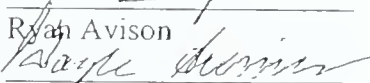
Done at Polson, Montana this 18th day of August 2006.

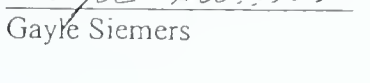



David Rensvold, Chairman


Elsa Duford

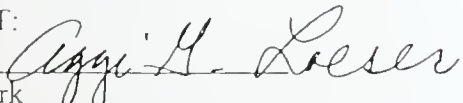

Nathan Pierce


Ryan Avison


Gayle Siemers

ATTEST:

City Clerk

 8/18/2006

CERTIFICATE E

ESTABLISHING THE EFFECTIVE DATE OF THE CHARTER
IF APPROVED BY THE VOTERS

If approved by the voters, the proposed charter will become effective on July 1, 2007.

We, the Study Commissioners of the City of Polson, do hereby certify that this is the effective date of the proposed charter if approved by the voters of Polson.

In testimony whereof, we set our hands.

Done at Polson, Montana this 23rd day of August, 2006.



David Rensvold, Chairman

Elsa Duford

Nathan Pierce

Gayle Siemers

ATTEST:

City Clerk

CERTIFICATE F

PLAN OF APPORPTIONMENT OF COMMISSIONER DISTRICTS (WARDS)

The present plan of apportionment of council member districts (wards) was updated by the City Council following the 2000 federal decennial census and shall be retained if the new plan of government is adopted by the voters.



We, the Study Commissioners of the City of Polson do hereby certify that this is the proposed plan of apportionment of commissioner districts under the proposed charter, if approved by the voters of Polson.

In testimony whereof, we set our hands.

Done at Polson, Montana this 23rd day of August, 2006.

David Rensvold, Chairman

Elsa Duford

Nathan Pierce

Ryan Avison

Gayle Siemers

ATTEST:

City Clerk

Rejected by majority
7-27-06
At E.C. meeting
Arthur, Dave
Gayle, (ED)

POLSON GOVERNMENT STUDY COMMISSION
TENTATIVE MINORITY REPORT
JULY 2006

DRAFT. To the Commission and the Public

This is written in response to the majority's recommendation for a Manager form with a Charter.

In July 2005 we mailed surveys to the residents stating Polson currently had a Mayor/Council form, but recent reports (interview) contradict this. Mayor/Council is part time Mayor. When Mayor Ingram announced at the council meeting in 2003 that the council made him a full time mayor, (the council gave him a round of applause), this changed the form of government. There was no election for Mayor in 2003, so the voters were unaware of the circumstances, had no say in this decision, or in spending the additional \$20,000.00 of taxpayer funds for his salary increase. It was done without the public's knowledge, consent or vote. This compares to the Council/Manager/Charter form. Randy describes his job as that of a Human Resource Manager.

CHARTER: When this commission began we were told Polson did not have a Charter. Randy says we have to have to have a charter. I DON'T AGREE WITH Randy or the MAJORITY on the CHARTER. We don't have to have one! From the ordinances enacted by the council, adopting Missoula's (has a charter) ETHICS ORDINANCE rather than following state law on ETHICS, as is required for the Mayor/Council form, suggests a charter has been in the process of being "slipped" in. I told of Mayor DeVries' Handicapped Ordinance that violated state law and the Constitutions, and was repealed. The Oath of Office is meaningless words that are ignored by laws/ordinances to the contrary.

Randy was appointed by the council to be our "ex-officio" member. He has not attended our meetings since December 2005 when he and councilmen Corse and Morrison launched their unprovoked personal attack on me during the meeting with their false accusations, harassing, badgering, and intimidating tactics trying to scare me into resigning from the commission. Randy and some council use terms including gorillas, and malcontents to describe those who disagree with their acts/policies or ask questions on agenda items, claiming this blindsides/ambushes them. Since December, we have had no so-called "guidance", which the ex-officio is supposedly to provide. Ken Weaver's fee to prepare the Commission's MAJORITY reports was \$750.00. We've been given 2 DRAFTS, and today 7-13-06 the FINAL report, which are nearly identical, pushing the MANAGER/CHARTER form. We have other expenses coming to inform the public with hearings, and reports, and may need to ask the council for funds. I agree with Randy's statement at a previous meeting. He said the City must be accountable. I believe that also means "fiscally accountable." It appears costs will be over budget in 2006. This is taxpayer's money.

I believe it is not reasonable to have "unity" within the state and then allow these various forms that destroy it. I used the term "chaos" to describe the results of each town/city making up it's own laws (self-governing powers) resulting in what's legal in one town is illegal in another. James Raymond presented a program and gave hand outs of his talk. One item defined "due process" means basic fairness, a nice idea, even constitutional, but not evident. I commend him for publicizing this. **PUBLIC PARTICIPATION:** The public was not allowed to ask questions at the GROWTH POLICY hearing, only comments allowed. The fee was \$40,000 and \$6,000 more for HKM to come to this hearing, but the public, who paid the bill can't question HKM or the board? Can we answer questions at public hearings, and the benefits of a Manager/Charter form, educating the public? It looks like it's about more power for city officials/manager, and less power and rights for the public. The public needs to read Ken Weaver's reports. I remain in opposition to them and the majority's favoring of them. OMITTED from these reports is the Study Commission's responsibility TO REPRESENT THE PEOPLE!

Elsa Duford

Elsa Duford
August 24, 2006

POLSON GOVERNMENT STUDY COMMISSION

JULY 27, 2006

BY ELSA DUFORD

TO THE PEOPLE

1. OUR ROLE. WE ARE REPRESENTATIVES OF THE PEOPLE.
2. PURPOSE: TO STUDY THE FORMS OF GOVERNMENT, etc.

Our public meetings, records, minutes, tapes of meetings are all PUBLIC INFORMATION. to be kept as a public record of the HISTORY of this STUDY COMMISSION. We are required by LAW to make all of this available to the public. TENTATIVE REPORTS are first. (The FINAL REPORT was first.) The TENTATIVE REPORT was at City Hall and the Library on July 19, 2006. I am the MINORITY on this commission. I was elected. Mayor Ingraham and the city council appointed 4 members. I turned in my MINORITY report to the members at our public meeting on July 13th and copies to the public. Our chairman was absent on the 13th, so I gave him a copy on the 17th at our public meeting held just before the city council meeting. July 19th he calls me asking if I can e-mail a copy to him? No. He can't find it. He said he'd come here and get another copy. He did. He had to get this done before he left.

July 20th my report was not included at City Hall or the Library. The City Hall clerk didn't know anything about it. She only made copies of what had been given to her. Tuesday July 25th Dave comes to my home at noon and wants to talk to me, saying why my report was excluded from the public. In brief he said it was because I used "names" in my report and we weren't supposed to deal with "personalities", only the "forms" of government. Yet in the "majorities" report they do use "personalities". II. REPORT SUMMARY. A. "FINDINGS OF THE STUDY COMMISSION" (Majority).

3. "Our city government functions:

- a. As well as it does because of the "individual personalities" holding positions.

Names aren't needed. It is OBVIOUS who they are, the mayor, city council, employees and boards.

THE LETTER TO THE CITIZENS OF POLSON is from the Majority, Dave Rensvold, Nathan Pierce, Gayle Siemers, and Ryan Avison. They are in favor of the ALTERNATIVE FORM, "Manager, Council with Charter and self-governing powers." I am adamantly opposed to this CHARTER!!

CHARTER OF THE CITY OF POLSON -- ARTICLE 1. POWERS OF THE CITY

Sec. 1.01 Interpretation of Powers

1. The self-government powers and authority of this city shall be liberally construed. Every reasonable doubt as to the existence of a city power shall be resolved in FAVOR OF that power or authority. (BIASED IN FAVOR OF THE CITY) (Citizen's rights disappear.)

2. As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are SUPERIOR to statutory provisions. The HOME RULE CHARTER was twice denied by the Montana Supreme Court. "the presumption is against the exercise by the city (municipal corporations) of any such powers". Page 96. - - - Court 1986 pg 97

We've had about 22 meetings since January without the ex-officio, as required by law, and no substitute. I spoke at the 7-17 council meeting on concerns of incorrect information given to the commission. Our last comparison charts showed the current form was Mayor, "part time basis". The report for the public shows "part time basis" had been deleted after the council meeting. My concern was giving wrong info to the voters. I believe voters won't have a clue as to what they're voting for or against. VOTERS BEWARE!

There is nothing in my MINORITY report that is not a matter of public record (tape recorded). This CHARTER dissolves your rights! I agree with those who called it UNAMERICAN (study book). Withholding/concealing my report violates my rights as an individual, and as an elected citizen by preventing me from reporting my concerns to you, the people!

Elsa Duford
August 24, 2006

RECORDED: 11/17/2006 10:52 EL

Debra P. Taylor

CLERK AND RECORDER BY:

Lisa Bennett

FEE: \$0.00

ELECTION RETURNS

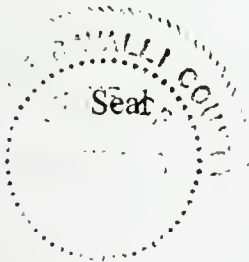
GENERAL ELECTION

November 7, 2006

The undersigned hereby certify that the attached Exhibit A constitutes a full, true and complete Abstract of Votes case in **Ravalli County**, at an election held on the 7th day of November, 2006.

County Commissioner District 3, Clerk and Recorder, Sheriff, County Attorney, Public Administrator,
Treasurer, Justice of the Peace Dept 1, Justice of the Peace Dept 2, Local Ballot Issues

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14TH day of
NOVEMBER, 2006.



J. Elliott
Alan Thompson
Betty T. Lund

Board of
County
Canvassers

Debra P. Taylor
Election Administrator

RETURN: ELECTIONS DEPT. 709

EXHIBIT A

Office: County Commissioner Dist. 3	#Total Registered Voters: 28,780 #Voters in Election: 18,663	Turnout: 65% Rejected: 7
Candidate:	Total Votes:	
Kathleen Driscoll	8457	
Howard Lyons	9661	

Office: Clerk and Recorder		
Candidate:	Total Votes:	
Regina Wilson	15,182	

Office: Sheriff		
Candidate:	Total Votes:	
Chris Hoffman	15,159	

Office: County Attorney		
Candidate George Corn	Total Votes: 13,014	

Office: Public Administrator		
Candidate:	Total Votes:	
Frankie Laible	13,947	

Office: Treasurer		
Candidate: Jo Anne Johnson	Total Votes: 13,264	

Non-Partisan

Office: Justice of the Peace Dept 1		
Candidate: Robin L. Clute	Total Votes: 8,580	
Jay Printz	6,618	
Jake Weitzel	1,543	

Office: Justice of the Peace Dept 2		
Candidate: Retain: Jim Bailey yes no	Total Votes: 13,546 2,669	

Ballot Issue

Open Space Land Bond		
Shall the Board of Ravalli County Commissioners be authorized to issue and sell general obligation bonds of Ravalli County solely for the purpose of preserving open lands in Ravalli County by purchasing land, conservation easements, and other interests in land from willing land owners for the following purposes: manage growth, preserve open lands, protect water quality of streams and the Bitterroot River, maintain wildlife habitat, protect drinking water sources, pay landowner costs and related transaction costs associated with an approved project, and pay costs associated with the sale and issuance of bonds in the principle amount of Ten Million and 00/100 Dollars (\$10,000,000), which bonds shall bear interest at a rate to be determined at a competitive sale, payable semiannually during a term of not to exceed twenty (20) years and redeemable on an interest payment date after one-half of their term, with all expenditures based on recommendations of an Open Lands Board, after public comment, approval by the Board of Ravalli County Commissioners, and subject to Ravalli County's yearly independent audit? OPEN LANDS BONDS – YES OPEN LANDS BONDS – NO	Total Votes: 10,166 7,385	

Local Government Study Commission		
COUNTY OF RAVALLI	Total Votes:	
QUESTION #1 – <u>Elections for all County offices in Ravalli County shall be:</u> Vote for One For the adoption of nonpartisan elections proposed for Ravalli County by the Ravalli County Local Government Review Study Commission. For the existing partisan elections.	7,762 9,174	
QUESTION #2 – <u>The number of seats on the Board of Commissioners of Ravalli County shall be:</u> Vote for One For the adoption of five (5) total seats proposed for Ravalli County by the Ravalli County Local Government Review Study Commission. For the existing three (3) total seats.	10,993 6,727	
QUESTION #3 – <u>The length of term on the Ravalli County Board of Commissioners shall be:</u> Vote for One For the adoption of Four (4) year terms of office proposed for Ravalli County by the Ravalli County Local Government Review Study Commission. For the existing Six (6) year terms of office.	13,999 3,855	
QUESTION #4 – <u>The election of all County Commissioners to the Board of Commissioners shall be by:</u> Vote for One For the adoption of District-only voting proposed for Ravalli County by the Ravalli County Local Government Review Study Commission. For the existing At-Large voting.	6,996 9,987	
QUESTION #5 – <u>Elections for seats on the Ravalli County Commissioners shall be:</u> Vote for One For the adoption of concurrent terms of office proposed for Ravalli County by the Ravalli County Local Government Review Study Commission. For the existing overlapping terms of office.	6,598 10,179	

ELECTION TO ADOPT INTERIM ZONING LIMITING SUBDIVISION TO A DENSITY OF ONE HOUSE PER TWO ACRES		
This initiative would adopt an interim zoning regulation limiting subdivisions in Ravalli County to a density of 1 residence per 2 acres. The regulation would be an emergency measure to promote the public health, safety, and general welfare by regulating the rapid development and growth in Ravalli County for a fixed time period while the county government conducts studies, holds hearings, and considers long-term zoning regulations providing for planned and orderly growth. The regulation is limited to one year from enactment. During this period, the county government must consider zoning regulations. The regulation could be extended for one year only. FOR adopting an interim zoning regulation limiting subdivisions to a density of 1 residence per 2 acres. AGAINST adopting an interim zoning regulation limiting subdivisions to a density of 1 residence per 2 acres.	Total Votes: 8,172 7,100	

ELECTION TO REPEAL INTERIM ZONING REGULATIONS PASSED BY RAVALLI COUNTY RESOLUTION 1844		
This is a vote on whether Resolution 1844, passed by the Ravalli County Commissioners on April 12, 2006, should be repealed. Resolution 1844 adopted Interim Zoning Regulations that limit the size of large scale retail sales and retail services establishments in Ravalli County to no more than 60,000 square feet in gross floor area. The regulations also set forth developments standards for establishments with a gross floor area between 25,000 and 60,000 square feet and require a development permit to be obtained before any person may begin to construct, expand or alter such an establishment. FOR repealing the Interim Zoning Regulations that limit the size of large scale retail establishments in Ravalli County. AGAINST repealing the Interim Zoning Regulations that limit the size of large scale retail establishments in Ravalli County.	Total Votes: 7,900 7,429	

ELECTION FOR THE CREATION OF THE DARBY PARK DISTRICT AND LEVY		
all the Darby Park District, comprised of the lands within the Darby School District boundaries, be created and shall the Park District be authorized to levy 10 mills? The specific amount to be raised shall be Eighty Thousand and 00/100 Dollars. (\$80,000.00) The impact of the mill levy on a home valued at \$100,000.00 would be \$20.14 per year. The impact of the mill levy on a home valued at \$100,000.00 would be \$40.88 per year. FOR – Creation of Park District and Levy AGAINST – Creation of Park District and Levy	Total Votes: 736 1,171	

RAVALLI COUNTY PARK DISTRICT #2 LEVY		
The Ravalli County Park District #2 hereby resolves, pursuant to §15-10-425, MCA, to submit to the electors of the District the question of whether to impose a mill levy increase for funding of the District. The specific purposes for which the additional money will be used are: a. Annual pool operations and maintenance. The specific amount to be raised shall be One Hundred Thousand and 00/100 dollars. (\$100,000.00) The current level of funding is 2.47 mills; the number of additional mills requested shall be 3.29 mills. There is no duration limit on the levy. The impact of the mill levy increase on a home valued at \$100,000.00 would be \$6.63 per year. The impact of the mill levy increase on a home valued at \$200,000.00 would be \$13.45 per year. FOR maintaining operations of the Ravalli County Park District #2 (aquatic center) by authorizing additional mill levies of approximately 3.29 mills to raise approximately \$100,000.00. AGAINST maintaining operations of the Ravalli County Park District #2 (aquatic center) by authorizing additional mill levies of approximately 3.29 mills to raise approximately \$100,000.00.	Total Votes: 4,349 3,972	

1,777

STATE OF MONTANA, County of Ravalli) ss
I hereby certify that this is a full, true and
correct copy of Document # 58445
on file and of record in my office.

Witness my hand and official seal
this 26th day of December.

[Signature]
CLERK AND RECORDER

By [Signature]
DEPUTY

RECORDED: 09/11/2006 3:55 PF

Nedra Rhyler

CLERK AND RECORDER BY:

Lesa Bennett

FEE: \$0.00

**Ravalli County Local Government Review Commission
Final Plan Outline**

(Containing the following sections)

RECEIVED

DEC 28 2006

ADMINISTRATION
LOCAL GOVERNMENT
SERVICES BUREAU

Abstract of the Proposed Amendments to the Existing Plan of
Government for Ravalli County

Letter to Ravalli County Residents

Certificate of the Official Ballot

Basis for Recommendations

Comparison of the Existing Plan with the Proposed Plan

Certificate of existing "Plan of Current Ravalli County Government"

Certificate of the proposed "Amended Plan of Ravalli County
Government"

Certificate Establishing the Date of the Special election on the
question of amendments to the current County Commission form of
government

Certificate Establishing the Date of the first Primary and General
Election, If Approved, and Establishing the Effective Date of the
Amendments, If Approved

Certificate of the "Plan of Apportionment" of Board of County
Commissioner Districts

Advisory Plan for an Orderly Transition

Ret: Study Commission
Attn: Glenda Wiles

Abstract of the Proposed Amendments to the Existing Plan of Government for Ravalli County:

The following options represent the Final Recommendations of the Ravalli County Local Government Study Review Commission. These options are the result of an eighteen month process that we were elected to conduct. We have arrived at the following recommendations by:

- Study and analysis of current Ravalli County operations and structure,
- Input from the public,
- Interviews with Ravalli County department heads and elected officials,
- Comparison of Ravalli County government to other options allowed by the Montana Code Annotated and the Montana Constitution,
- Comparison of Ravalli County government with other county governments both inside and outside Montana.

We are confident that these options represent the most constructive, practical and least disruptive method under Montana Law to restructure Ravalli County Government in a manner that will enhance county services today and augment the county's ability to effectively deal with new challenges this year, next year and twenty years from now. It is the official recommendation of the Ravalli County Local Government Study Review Commission that the County Commission Form of county government described in MCA 7-3-401 be retained with the amendments indicated below:

*Incorporate nonpartisan elections for all countywide offices in a change from the current partisan election format. This shall include nonpartisan elections for the following current offices:

County Commissioners
Sheriff
Treasurer
Clerk and Recorder

County Attorney
Clerk of District Court
Public Administrator

and shall be interpreted to include all county elected offices indicated in MCA 7-3-401 and 7-3-433 through 7-3-442 if they are adopted in the future.

*Increase representation on the Ravalli County Board of Commissioners for all valley residents by increasing the number of seats on the board to Five (5) from the current Three (3)

*Increase accountability to the voters by decreasing the length of term of office for the Ravalli County Board of Commissioners from Six (6) years to (4) years.

*Incorporate voter area representation by changing to District-only voting by residents of the district from the current At Large voting by all voters in the county.

*Increase the ability of the board to respond in a more timely fashion and adopt concurrent, simultaneous terms of office for the Board of Commissioners in a change from the staggered, overlapping terms.

Open Letter to all the Citizens of Ravalli County:

The Ravalli County Local Government Review Study Commission wishes to thank the people of Ravalli County for the incredible experience we have had reviewing our Local County Government over the past year and a half. It has been a lengthy effort of hard research, open discussion, consultation, listening with respect for others' opinions and a willingness to adjust one's own thinking for a group consensus in order to find the common ground. The experience has been many things: daunting, frustrating, challenging and finally very rewarding. With recognition that perfection is impossible, this 2006 Local Government Review Study Commission has made a serious commitment to fulfill its mandated task, realizing that logical steps for government adjustment will surely work without major revolution. We think these recommendations are what the people want... constructive, positive changes can be implemented with vision, leadership, commitment and cooperation to benefit all of us equally.

The Ravalli County Local Government Review Study Commission recommends that the Form and Structure of the Ravalli County government continue in its present Commission Form using General Powers but that 'Amendments to the Existing Form' be enacted by voter approval. There has been overwhelming citizen interest in change and these amendments can make these changes happen.

As a commission we have interviewed all elected and appointed county department heads and boards to learn what is working well and learn what structural options they might like to consider changing to give them more tools to work with. We held public input meetings in each school district in the valley to hear how you and your neighbors feel about county government. We have looked outside Ravalli County at how other counties in Montana and elsewhere deal with challenges similar to those we all deal with here. Throughout the public input process we have received consistent concerns and interest over the options for change listed below

Taken from the seven public hearings, an unprecedented response to a County-wide survey and almost two years of study and consultation, the Commission recommends these changes be made to the existing form of Ravalli County government:

- * Add 2 Commissioners to the Board of Commissioners
- * Elect all Commissioners by districts rather than at-large
- * Choose from a non-partisan pool of candidates for all elected offices
- * Shorten the length of term for the Commissioner office.
- * Make the Commissioner's Terms run concurrent with each other

The County Local Government Review Study Commission has determined that if these options are accepted, when submitted to the voters of Ravalli County in November 2006, they will facilitate the change needed to better handle the many issues facing this community.

The Study Commission has heard a common theme of frustration from Ravalli County citizens. The attitudes of distrust and apathy have been perpetuated as residents experience the inability of county government to respond quickly and meaningfully to the community's stresses. The continuing expansive growth of the County and the resulting impacts over the past ten years have brought out the same issues raised by the 1996 Study Commission yet many are still unresolved. Everyone realizes we are dealing with the same problems and at some point one has to say, "What are we doing that doesn't work here? Why isn't the government adequately responding? What can we do differently? How can the present system change so it can react better?"

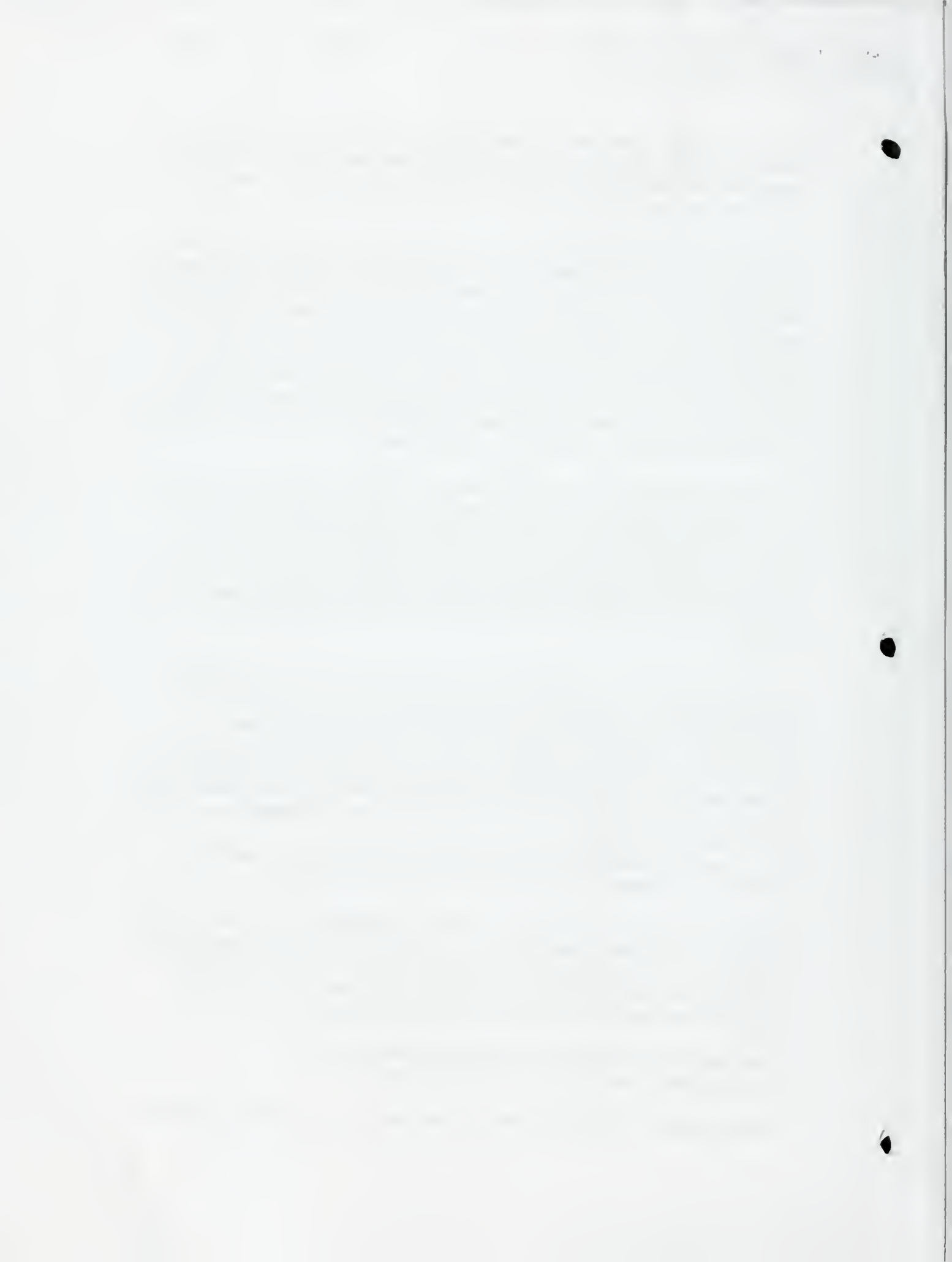
The following pages are the full Final Report. We feel it is critically important that this report reach as many valley residents as possible can so that all of us have an opportunity to learn about the choices and vote for those that we prefer. To accomplish that we will compile a shorter summary of our Final Recommendations and examples of the ballot language that will be mailed to every Ravalli County household by September 2006 (pending adequate funding). Another recap will be sent with the County election materials mailings in October.

If you are not already a registered voter in Ravalli County, please consider registering to vote. It's painless and Montana is changing our Jury Service selection practices so that pools will be drawn from motor vehicles registrations... registering to vote won't carry that additional responsibility. Call the Elections office at 375-6550 to check on the status of your registration or visit the Drivers Exam Station in Stevensville or several public libraries in the valley and fill out an application. You can also download an application at the County Elections office at <http://www.ravallcounty.mt.gov/elections/default.htm> . The deadline for registration is October 10 for the November General election.

Copies of this complete Final Report and Recommendations, adopted on August 10, 2006 are available at the County Commissioners' office and it also can be found on our web site www.bitterrootlife.org. Copies will also be made available at the Hamilton Library and other public places, either in print and/or CD. For further information call 375-6500, Glenda Wiles.

Again, we thank our friends and neighbors of Ravalli County.
Your Local Government Review Study Commission,

Howard Anderson, Vicky Bohlig, Alec Sutherland and Glenda Wiles, *Ex Officio*



Certificate Establishing the Official Ballot for the November 7, 2006 General
Election
Official Ballot
Ballot on Amending the current Commission Form
of Local Government under MCA 7-3-401

Instruction to voter: Place an "X" in the boxes that express your preferences

Elections for all county offices in Ravalli County shall be:

Vote for one:

☐ For the adoption of nonpartisan elections proposed for Ravalli County by the
Ravalli County Local Government Review Study Commission

☐ For the existing partisan elections

The number of seats on the Board of Commissioners of Ravalli County shall be:

Vote for one:

☐ For the adoption of five (5) total seats proposed for Ravalli County by the
Ravalli County Local Government Review Study Commission

☐ For the existing three (3) total seats

The length of term on the Ravalli County Board of Commissioners shall be:

Vote for one:

☐ For the adoption of Four (4) year terms of office proposed for Ravalli County
by the Ravalli County Local Government Review Study Commission

☐ For the existing Six (6) year terms of office

The election of all County Commissioners to the Board of Commissioners shall be
by:

Vote for one:

☐ For the adoption of District-only voting proposed for Ravalli County by the
Ravalli County Local Government Review Study Commission

☐ For the existing At-Large voting

Elections for seats on the Ravalli County Board of Commissioners shall be:

Vote for one:

☐ For the adoption of concurrent terms of office proposed for Ravalli County by
the Ravalli County Local Government Review Study Commission

☐ For the existing overlapping terms of office

We, the Study Commissioners of Ravalli County, do hereby certify that this is the
official ballot approved by the Ravalli County Local Government Review Study
Commission.

In testimony whereof, we set our hand:

Vicky Bohlig *Vicky Bohlig*

Howard Anderson _____

Alec Sutherland *A Sutherland*

Glenda Wiles ex officio *Glenda Wiles*

Done this 11 day of Sept 2006 in Hamilton, Montana.

ATTEST: _____
Ravalli County Clerk and Recorder

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On September 11, 2006 personally appeared before me
Vicky Bohlig and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.



SHAWNA P. KOCH
Notary Public for the
State of Montana
Residing at Hamilton, Montana
My Commission expires April 14, 2008

Shawna P. Koch

Notary Public for State of Montana
Residing at Hamilton Montana
My Commission expires April 14, 2008

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On September 11, 2006 personally appeared before me
Alec Sutherland and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.



SHAWNA P. KOCH
Notary Public for the
State of Montana
Residing at Hamilton, Montana
My Commission expires April 14, 2008

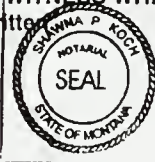
Shawna P. Koch

Notary Public for State of Montana
Residing at Hamilton Montana
My Commission expires April 14, 2008

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On September 11, 2006 personally appeared before me
Glenda Wiles and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.



SHAWNA P. KOCH
Notary Public for the
State of Montana
Residing at Hamilton Montana
My Commission Expires April 14, 2008

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On _____ personally appeared before me
_____ and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.

Notary Public for State of Montana
Residing at _____, Montana
My Commission expires _____

The Ravalli County Local Government Review Commission recommendations and the rationale for placing these specific options on the ballot in November.

The commission has worked hard to ensure the recommendations we have presented are constructive and objective. Throughout this process we worked from the assumption that if recommendations were going to make it onto the ballot, they would be options that would a) enhance and benefit Ravalli County government's ability to provide services broadly and efficiently and b) use tax dollars wisely to accomplish delivery of those services. This process has not been about the current policies or composition of the county government. It has been about the structure and form of county government and what changes might be beneficial to you and your neighbors this year, next year and ten years down the road.

With that thought in mind it is important to acknowledge that the final recommendations do not represent the absolute best plan for Ravalli County. In fact, some of the best ideas that we received from department heads in the government or from our neighbors at public hearings or from our own research and comparison to other county governments did not make the cut for placement on the ballot. Why? Because everything we have done throughout this process has been guided by the Montana Code and we are sometimes bound by those laws in ways that seem to hinder the ability to implement changes to Ravalli County. For instance, we received a significant affirmative response to the idea of a County Manager-style of government and all of us on the Study Commission felt that a County Manager form of government had many advantages over the current Commission form. As one gentleman said in one of the public meetings, "There is nothing about the elections process that gets you good managers". Having a manager to administer operations and splitting apart the legislative duties from the administrative duties to enable the elected commissioners to concentrate on policy decisions has some definite advantages. This is the way every school district in the valley operates and the way every public corporation does business in America. Our Montana State government operates this way. So why don't you see that option on the ballot? Because, according to the Montana Code, if we had recommended a change in the form of government, from a commission to a manager form, we would only have been able to put three sub options on the ballot and all of those sub options would have been entirely dependent on voter approval of the Manager change for their implementation. If the Manager question failed and even if all of the sub options (like nonpartisan elections, four year terms) passed overwhelmingly, everything would still fail because the form change failed. This is exactly what happened the last time Ravalli County had a Local Government Review in 1996. This 'go-round we have had the benefit of the notes, minutes and materials saved from the '96 study. Reading that material

has been "deja vu and over again" for us... in many, many instances the issues that the '96 study commission examined are the exact same issues that we have drilled into ten years later. The '96 study recommended a charter and then three sub options i) nonpartisan elections ii) five commissioners and iii) four year terms. All three sub options passed by wide margins but the change in form to a charter failed and, as a result, all of the sub options also failed. We have wondered many times how Ravalli County would be functioning differently if those options had been in place for the last ten years. Because the "all or nothing" technical aspect to that ballot language was too much of a risk in a county like ours that faced significant challenges we decided to recommend several amendments to the current form instead. This way, every option on the ballot that passes voter approval will have a guarantee of being implemented regardless of the approval of the other options.

Each one stands or falls on its own.

Those options that did make the cut to appear on the ballot were also chosen for some good reasons. The nonpartisan elections option was chosen because we feel that partisan politics contributes very little to the operations of the county. The county judiciary is already nonpartisan and we could not find a constructive advantage to the county by continuing with partisan elections. Party affiliation should not and does not play a role in the administration of 911 dispatches through the sheriff's office. It seems counterintuitive to have the office that administers the elections process, i.e., the Clerk and Recorders office, be a partisan office. Also, all voters in Ravalli County have just been through a partisan primary race where one party failed to run a candidate for both Sheriff and Clerk and Recorder. Consequently those offices were elected on a partisan basis without the ability of roughly half the active voters being able to cast a ballot! The vast majority of public comment supported nonpartisan elections so that was an easy recommendation to make. A historical note: As noted above, the Government Study Review process takes place every ten years and the 1996 RCLGSRC also recommended nonpartisan elections to voters... it passed overwhelmingly! But because another option on the ballot failed (a charter) this voter-approved option was not implemented.

The issue of increasing representation and the type of area representation to have on the commission was a little more difficult. Many counties that share similar demographics with Ravalli County have only three commissioners and appear to run very well. We heard from a majority of neighbors that five, seven or even more commissioners were better options. In fact, very few people felt that three commissioners were adequate to properly represent all areas of our diverse valley. We ended up recommending five because that number seemed workable for a county the size of Ravalli. Similar reasoning governed recommending a choice on the type of area representation; districts or at large. This option was the most evenly split in our survey and at our public meetings. In district voting, where candidates must reside in a district and be voted on only by voters in that same district, there is the possibility

that you might know more about the candidate because he or she lives and works near you. They might be more approachable and by sharing area concerns they might be better able to bring your district's particular issues back to the commission for consideration. It is important to note here that even though candidates might be elected from a district, Montana Code specifically states that once they take the oath of office, commissioners must represent all residents of Ravalli County equally. It is also worth noting here for the record that Ravalli County's original plan of government called for district voting. In 1978-1980 the Ravalli County commissioners adopted a resolution switching to at large voting and placed that option on the ballot where it was approved by voters. The problem with that approach is that the commissioners have no such authority to adopt resolutions making substantive changes to the plan of government so, technically, this change isn't valid and we should still be voting by districts. The RCLGSRC feels that placing the option on the ballot properly and letting valley residents make the official decision can resolve this situation. A historical note: The 1996 RCLGSRC also recommended five commissioners to voters... it passed! But because another option on the ballot failed (a charter) this voter-approved option was not implemented.

The term length option is another fairly easy choice to make. The difference between longer and shorter terms of office is a double-edged sword. One advantage to longer terms is the difference of working at a job for a long time and becoming better at it. On the other hand, long terms tend to reduce accountability to the voters. Again, we received significant comment concerning the length of term for commissioners and it varied from as little as two years (like our state representatives) to 3 and 4 years. We have recommended the 4-year term in order to balance the ability of elected commissioners the time to do their job well while still preserving voter accountability and ensuring that our elected officials remain responsive to the voters and their concerns. The 1996 RCLGSRC also recommended four year terms to voters... it passed! But because another option on the ballot failed (a charter) this voter-approved option was not implemented.

Concurrent terms for all seats as opposed to staggered terms has been the subject of much discussion. The arguments for staggered terms, like we currently use here in Ravalli County, center on continuity of the commission. If you only elect a minority of new seats every election cycle then you can maintain the current course and stability of government easier. The converse is also true; that staggered terms make it very difficult to get significant change quickly. Our recommendation is for concurrent terms, where all seats are elected at the same time each election cycle. This makes it easier to make course adjustments quickly as each new election offers the voters an opportunity to evaluate the behavior of the commissioners and keep those

he/she agrees with and replace those they disagree with. This is the way we elect our state officials; such as governor, attorney general, secretary of state and all state senators and representatives. In practice, we rarely vote for an entirely new slate of candidates. Incumbents have many advantages in elections and many are doing a good job so they get re-elected. One comparison of the two choices we heard was that staggered terms are like an ocean liner; you can make small course adjustments but it is impossible to make a hard turn quickly. The concurrent term option is like a speedboat in its ability to respond quickly to directions.

This summarizes at least some of the thought that went into the options that you will have a chance to vote on in November. In all frankness, there was a tremendous amount of work that went into getting this set of options on the ballot and the business, responsibilities and structure of county government is complex and important. Running a \$20+ million organization is difficult work. We have been very impressed by the dedication, commitment and ethics shown by the employees of Ravalli County. As a group they do more with less than any other group you could name and they have significant barriers to overcome in order to deliver the services we all need, use and depend on. We hope that by adopting these recommendations, Ravalli County government is able to become more proactive, responsive and efficient in its short term and long term affairs. In the future we want all of us to be able to look around at our friends, neighbors and coworkers and honestly say "Yes, we are better off". With the end of this process now in full sight, the four of us on the Study Commission encourage those of you who have a genuine and warped interest in these types of nuts-and-bolts issues in government to consider running for office! Government is only as good as the people doing the job and public service is a serious job that demands the best among us.

This process depended on the cooperation and participation of many people. We would like to thank all of the elected and appointed department heads who took the time to educate us on the inner workings of their respective departments. The staff at the County Extension Office, Carriage House, River Risin' and Solid Rock Café for allowing us the use of meeting rooms. Sally Fortino for providing outstanding support services. The Local Government Center at Montana State University and its director, Ken Weaver, for advice and a wealth of materials related to our mission. Dr. James Lopach, University of Montana and many state government officials who answered our questions and provided information when we bothered them. Rob Johnson, Helen Bibler and RoseMarie Neuman, members of the 1996 Study Commission. Allegra Printing in Hamilton for mailings. Our public meetings were held at Memories Café, Corvallis Methodist Church, and the Bitterroot Public Library. School districts and staff in Florence-Carleton, Stevensville, Lone Rock, Victor, Hamilton and Darby graciously volunteered meeting rooms with coffee and helped to set up and take down chairs and screens. Most importantly to us,



we sincerely want to thank every one of those neighbors and residents that took time from their schedules to attend one of the public meetings, send us mail or fill out and return the survey forms. We appreciate your time, energy and particular viewpoints. We really enjoyed discussing these issues with you and appreciate the respect that you showed us. Your thoughtful input helped us more than we can say.

Comparison of the Existing Plan of Government For Ravalli County, Montana with The Proposed Plan of Government

There are five distinct choices for voters to consider in this election:

Partisan vs. nonpartisan elections?

How many commissioners should represent residents on the Board of Commissioners?

How long should commissioners serve on the Board?

How should areas of the county be represented on the Board?

How should the office terms for commissioners be arranged?

The Ravalli County Local Government Review Commission feels that each option in each of these choices has both advantages and disadvantages. It is important to go over these merits and faults carefully and discuss them with your friends and neighbors so that you have a good idea of how Ravalli County government can function best in the next decade and beyond.

We also want to stress that there are no 'wrong' answers to any of these options. Each of us will look at these choices and some of us will value one while our friends might value another, neither choice is 'wrong'. It's all relative! For instance, on the question of Districts or At Large... some of us might value the ability to vote on a friend, coworker or neighbor who shares the same commute, schools, roads, etc. as you do and therefore might have the same concerns for county operations that you do. Others might place more value on the ability of political parties, population centers or affiliated organizations to help elect a distant but preferred candidate and they might favor at large voting. Neither choice is wrong and each has advantages so in the end it will come down to what the majority of Ravalli County voters would like to see in their government that will determine how Ravalli County conducts its business in the future.

Another important point that we want to EMPHASIZE is that there will be costs associated with some of these choices. For instance, Montana counties that have switched to nonpartisan elections have found that the costs of conducting elections decreased because they don't necessarily have to run a primary in advance of a general election! We anticipate that this situation may be the

case in Ravalli County, also. Some residents have been (justifiably) concerned about the costs associated with adding two more commissioners, making a total of five. "Isn't adding two more salaries going to cost the county more tax dollars?" In a word>>**NO**. Adding two more commissioners will increase that part of the county's budget but only the taxpayers, in a separate levy, can authorize an increase in additional taxes. The commissioners will have to do what they do every year when they prepare the budget and move dollars around to cover the increase. This is exactly what they do when gasoline prices for the sheriff go up year to year. It is the opinion of the RCLGRSC that adding two commissioners to the mix will provide the opportunity to SAVE money by allowing for more skill sets to sit at the table and more eyeballs to analyze county decisions and that the outcome of that analysis may be cost savings. It is just as valid to imagine cost savings over and above the costs of two more commissioners as it is to proclaim that the county cannot afford more commissioners!

The chart on the next page summarizes the comparative choices.

Structural Option Under Consideration	Present Form of Government	Proposed Form Of Government	Explanation For Proposal
Partisan Politics In Ravalli County Government MCA 7-3-413 Type of election	Partisan Designation For All Current County-Wide Offices (except Judiciary)	Nonpartisan Designation For All Current County-Wide Offices	Political party affiliation does not help the official in the performance of their duties as a necessary part of county government.
Number of total seats on the Ravalli County Board of Commissioners MCA 7-3-417 Size of commission	Three Seats	Five Seats	Ravalli County has enough residents to justify increasing the representation on the Board of Commissioners and enough challenges to warrant more input on the Board of Commissioners. From our school boards to Helena we have better representation at every level of government in the valley than we do at the County Commissioner level.
Length of term on the Board of Commissioners MCA 7-3-418 Terms of elected officials	Six years	Four Years	Shortening the length of term to four years increases voter responsiveness and still maintains enough time to both learn and perform the job well.
Area Representation on the Board of Commissioners MCA 7-3-412 Selection of commission members	At Large voting where the candidate must reside in a particular district for two years before the election but <u>must be voted on by all county residents</u>	District Voting where the candidate must reside in a particular district for two years before the election but is <u>only voted on by residents of the same district</u>	At Large voting generally allows residents from the larger population centers in the valley to vote their concerns over the concerns of the more rural areas of the valley. District voting would help to insure that all area concerns had a voice on the Board of Commissioners.
Election Cycle to the Board of Commissioner Seats MCA 7-3-416 Terms of commission members	Staggered terms for all seats on the Board of Commissioners	Concurrent terms for all seats on the Board of Commissioners	We elect our state officials such as governor attorney general and State Representatives in the Montana Legislature to serve concurrent terms. Overlapping terms are less responsive and less flexible for the organization.



Certificate establishing the Existing Ratified Plan of Government for Ravalli County

If retained by the voters, the government of Ravalli County, Montana shall remain organized under the following provisions of 7-3-401 M.C.A. which authorized the Commission Form of government. Note: In the following descriptions ~~striketroughs~~ represent those options for a particular section of Montana Code that Ravalli County Government does not adopt.

7-3-401. Commission form. The commission form consists of an elected commission and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-403. Role of chairman of commission. The chairman of the commission... shall be the presiding officer of the commission. All members of boards and committees shall be appointed by the chairman with the consent of the commission. The chairman shall be recognized as the head of the local government unit and may vote as other members of the commission.

7-3-411. General structural suboptions. The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-412 through 7-3-418.

7-3-412. Selection of commission members. The commission shall be:

- (1) elected at large;
- ~~(2) elected by districts in which candidates must reside and which are apportioned by population;~~
- ~~—— (3) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside; or~~
- ~~—— (4) elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.~~

7-3-413. Type of election. Local government elections shall be conducted on a:

- (1) partisan basis; or
- ~~(2) nonpartisan basis.~~

7-3-414. Chairman of commission. The chairman of the commission shall be:

- (1) elected by the members of the commission from their own number for a term established by ordinance;
- ~~(2) selected as provided by ordinance; or~~
- ~~—— (3) elected directly by the voters for a term established by ordinance.~~

7-3-415. Administrative assistants. The commission:

- ~~(1) shall appoint one or more administrative assistants to assist them in the supervision and operation of the local government; or~~
- (2) may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416. Terms of commission members. Commission members shall be elected for:

- ~~(1) concurrent terms of office; or~~

(2) overlapping terms of office.

7-3-417. Size of commission and community councils. The size of the commission, which shall be a number not less than three (currently set at three members), shall be established when the form is adopted by the voters, and:

~~_____ (1) community councils of at least three members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or~~

(2) community councils to advise commissioners may be authorized by ordinance.

7-3-418. Terms of elected officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters. (Currently set at six years in Ravalli County).

7-3-431. Additional structural suboptions for county and consolidated governments. In county and consolidated local governments, the plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-432 through 7-3-442. The officers shall have the powers and duties established by ordinance. After the establishment of any office, the commission may consolidate, as provided by law, two or more of the offices.

7-3-432. Legal officer. A legal officer (who may be called the county attorney):

(1) shall be elected;

~~_____ (2) shall be appointed by the local government commission;~~

~~_____ (3) shall be appointed by the chairman of the local government commission;~~

~~_____ (4) shall be selected as provided by ordinance;~~

~~_____ (5) may at the discretion of the commission be selected as provided by ordinance; or~~

~~_____ (6) shall not be included in this form as a separate office.~~

7-3-433. Law enforcement officer. A law enforcement officer (who may be called the sheriff):

(1) shall be elected;

~~_____ (2) shall be appointed by the local government commission;~~

~~_____ (3) shall be appointed by the chairman of the local government commission;~~

~~_____ (4) shall be selected as provided by ordinance;~~

~~_____ (5) may at the discretion of the commission be selected as provided by ordinance; or~~

~~_____ (6) shall not be included in this form as a separate office.~~

7-3-434. Clerk and recorder. A clerk and recorder:

(1) shall be elected;

~~_____ (2) shall be appointed by the local government commission;~~

~~_____ (3) shall be appointed by the chairman of the local government commission;~~

~~_____ (4) shall be selected as provided by ordinance;~~

~~_____ (5) may at the discretion of the commission be selected as provided by ordinance; or~~

~~_____ (6) shall not be included in this form as a separate office.~~

7-3-435. Clerk of district court. A clerk of district court:

(1) shall be elected;

~~_____ (2) shall be appointed by the local government commission;~~

~~_____ (3) shall be appointed by the chairman of the local government commission;~~

~~_____ (4) shall be selected as provided by ordinance;~~

~~_____ (5) may at the discretion of the commission be selected as provided by ordinance; or~~

~~_____ (6) shall not be included in this form as a separate office.~~

7-3-436. Treasurer. A treasurer:

(1) shall be elected;

~~_____ (2) shall be appointed by the local government commission;~~

~~_____ (3) shall be appointed by the chairman of the local government commission;~~

~~_____ (4) shall be selected as provided by ordinance;~~

~~_____ (5) may at the discretion of the commission be selected as provided by ordinance; or~~

~~_____ (6) shall not be included in this form as a separate office.~~

7-3-437. Surveyor. A surveyor:

- ~~(1) shall be elected;~~
- (2) shall be appointed by the local government commission;
- ~~(3) shall be appointed by the chairman of the local government commission;~~
- ~~(4) shall be selected as provided by ordinance;~~
- ~~(5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~(6) shall not be included in this form as a separate office.~~

7-3-438. Superintendent of schools. A superintendent of schools:

- ~~(1) shall be elected;~~
- (2) shall be appointed by the local government commission;
- ~~(3) shall be appointed by the chairman of the local government commission;~~
- ~~(4) shall be selected as provided by ordinance;~~
- ~~(5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~(6) shall not be included in this form as a separate office.~~

7-3-439. Assessor. An assessor:

- ~~(1) shall be elected;~~
- (2) shall be appointed by the local government commission;
- ~~(3) shall be appointed by the chairman of the local government commission;~~
- ~~(4) shall be selected as provided by ordinance;~~
- ~~(5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~(6) shall not be included in this form as a separate office.~~

7-3-440. Coroner. A coroner:

- ~~(1) shall be elected;~~
- (2) shall be appointed by the local government commission;
- ~~(3) shall be appointed by the chairman of the local government commission;~~
- ~~(4) shall be selected as provided by ordinance;~~
- ~~(5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~(6) shall not be included in this form as a separate office.~~

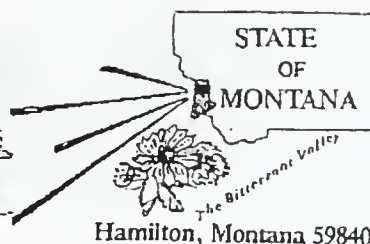
7-3-441. Public administrator. A public administrator:

- (1) shall be elected;
- ~~(2) shall be appointed by the local government commission;~~
- ~~(3) shall be appointed by the chairman of the local government commission;~~
- ~~(4) shall be selected as provided by ordinance;~~
- ~~(5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~(6) shall not be included in this form as a separate office.~~

7-3-442. Auditor. An auditor:

- ~~(1) shall be elected;~~
- (2) shall be appointed by the local government commission;
- ~~(3) shall be appointed by the chairman of the local government commission;~~
- ~~(4) shall be selected as provided by ordinance;~~
- ~~(5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~(6) shall not be included in this form as a separate office.~~

COUNTY OF RAVALLI



CERTIFICATE ESTABLISHING THE RATIFIED PLAN OF GOVERNMENT FOR RAVALLI COUNTY

As ratified by the voters on November 4, 1980, the government of Ravalli County was organized under the Montana Codes as a Statutory Commission Form.

1. The initial form of government in Ravalli County was the commission form with three (3) commissioners nominated by district and elected at large.
2. The initial commission form as ratified by the voters on November 2, 1976 was retained with only one change, that being the three (3) commissioners were nominated and elected from their respective districts.
3. On November 4, 1980 an amendment to the established form of government was ratified by the voters of Ravalli County. This amendment was initiated with Ravalli County Resolution 210 and returned the commissioners to three (3) districts and elected at large. (See attached documentation)



ATTEST:

Nedra P. Taylor
Ravalli County Clerk & Recorder

I, Betty T. Lund, Chairman of the Board of the Ravalli County Commissioners, do hereby certify that this is the Plan of Government as ratified by the voters of said County. I set my hand this 4th day of May, 2003.

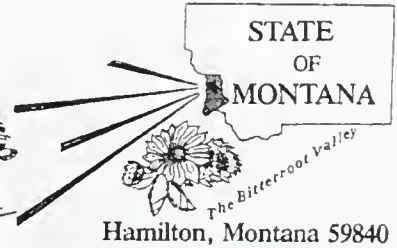
Betty T. Lund
Chairman

SECRET

2003 JUN 1 AM 11:11

RECEIVED
HELD
JAN 11 2004

COUNTY OF RAVALLI



JUNE 10, 2003

The Honorable Bob Brown
Secretary of State
Montana State Capitol
PO Box 202801
Helena MT 59620-2801

Dear Bob:

Please find enclosed a Certificate Establishing the Radified Plan of Government for Ravalli County.

We have had some inquiries into our county government form type. When we requested files from your office I found your records were not current. I have compiled documentation to verify that Ravalli County is under the Statutory Commission form of government.

Thank you for placing this documentation of record.

If you have questions or need anything further, please contact me.

Sincerely,

Nedra P. Taylor
Ravalli County Clerk & Recorder
215 S 4th St Ste C
Hamilton MT 59840

BOB BROWN
SECRETARY OF STATE

2003 JUN 11 AM 11:21

CERTIFICATE
ESTABLISHING THE RATIFIED PLAN
GOVERNMENT FOR RAVALLI COUNTY

RECEIVED
HELENA, MONTANA
MAR 17 11 33 AM '77

FRANK MURRAY
SECRETARY OF STATE

As ratified by the voters on November 2, 1976, the government of Ravalli County shall be organized under the following provisions of section 47A-3-205, RCM 1947:

(1)

(2) (a) (iii)

These sections establish the following form of government which shall be called the COMMISSION FORM:

1. The previous form of government in Ravalli County was the commission form with three (3) commissioners nominated by district and elected at large.
2. The present commission form as ratified by the voters on November 2, 1976, will be retained with the only change being that the three (3) commissioners shall be nominated and elected from their respective districts.
3. The existing apportionment of the three (3) commissioner districts shall remain the same.

RECEIVED
HELENA, MONTANA
2003 JUN 11 10:10 AM
BOB BRIDGES
SECRETARY OF STATE

I, John F. Munson, Chairman of the Ravalli County Local Government Study Commission, do hereby certify that this is the Plan of Government as ratified by the voters.

In testimony whereof, I set my hand this fourteenth day of March, 1977, at Hamilton, Montana.

ATTEST:

Patricia E. Hughes
CLERK & SECRETARY OF
RAVALLI COUNTY

John F. Munson
CHAIRMAN

RESOLUTION NO. 210

Commissioner Popham moved for the adoption of the following Resolution:

WHEREAS, the members of the Board of County Commissioners of Ravalli County, Montana are presently selected by the electors of the various Commissioner districts, and

WHEREAS, the same electors are the only ones qualified to vote in each district for the ones selected in that district, and

WHEREAS, the Board of County Commissioners wish to change this method of selecting County Commissioners.

BE IT THEREFORE RESOLVED, that the law be changed so that the candidates shall continue to be selected from the various districts, as set by law, but, "the election of each member or members of the Board shall be submitted to the entire electorate of the County. However, no one shall be elected as a member of said Board who has not resided in said district for at least two years preceding the time he shall become a candidate for said office."

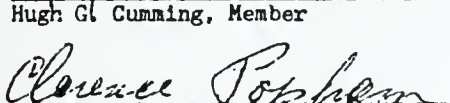
BE IT FURTHER RESOLVED, that the above option be placed on the next General Election Ballot.

Thereupon Commissioner Cumming seconded and motion was passed by unanimous vote this 17th day of November, 1978.

BOARD OF COUNTY COMMISSIONERS
Ravalli County, Montana


Jim McKinley, Chairman


Hugh G. Cumming, Member


Clarence Popham, Member

Certificate establishing the Proposed Amendments to the Existing Plan of Government for Ravalli County

Upon approval by a majority of electors, the government of Ravalli County, Montana shall retain it's designation of Commission Form organized under the following provisions of 7-3-401 M.C.A. but shall adopt certain specific amendments to the current form as provided in MCA 7-3-401 through 7-3-442.

7-3-401. Commission form. The commission form consists of an elected commission and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-403. Role of chairman of commission. The chairman of the commission... shall be the presiding officer of the commission. All members of boards and committees shall be appointed by the chairman with the consent of the commission. The chairman shall be recognized as the head of the local government unit and may vote as other members of the commission.

7-3-411. General structural suboptions. The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-412 through 7-3-418.

7-3-412. Selection of commission members. The commission shall be:

- ~~_____ (1) elected at large;~~
- (2) elected by districts in which candidates must reside and which are apportioned by population;
- ~~_____ (3) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside; or~~
- ~~_____ (4) elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.~~

7-3-413. Type of election. Local government elections shall be conducted on a:

- ~~(1) partisan basis; or~~
- (2) nonpartisan basis.

7-3-414. Chairman of commission. The chairman of the commission shall be:

- (1) elected by the members of the commission from their own number for a term established by ordinance;
- ~~(2) selected as provided by ordinance; or~~
- ~~_____ (3) elected directly by the voters for a term established by ordinance.~~

7-3-415. Administrative assistants. The commission:

- ~~(1) shall appoint one or more administrative assistants to assist them in the supervision and operation of the local government; or~~
- (2) may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416. Terms of commission members. Commission members shall be elected for:

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On September 11, 2006 personally appeared before me
Alec Sutherland and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.

Shawna P Koch
Notary Public for State of Montana
Residing at Hamilton Montana
My Commission expires April 14, 2008

SHAWNA P. KOCH
Notary Public for the
State of Montana
Residing at Hamilton, Montana
My Commission Expires
April 14, 2008



STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On September 11, 2006 personally appeared before me
Glenda Wiles and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.

Shawna P Koch
Notary Public for the
State of Montana
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My Commission expires April 14, 2008

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State of Montana
Residing at Hamilton, Montana
My Commission Expires
April 14, 2008



STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On _____ personally appeared before me
_____ and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.

Notary Public for State of Montana
Residing at _____, Montana
My Commission expires _____

STATE OF MONTANA, County of Ravalli) ss
I hereby certify that this is a full, true and
correct copy of _____
on file and of record in my office.
Witness my hand and official seal
this _____ day of _____.

CLERK AND RECORDER

By _____
DEPUTY

- (1) concurrent terms of office; or
- ~~(2) overlapping terms of office.~~

7-3-417. Size of commission and community councils. The size of the commission, which shall be four years ~~a number not less than three~~, shall be established when the form is adopted by the voters, and:

~~— (1) community councils of at least three members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or~~

- ~~(2) community councils to advise commissioners may be authorized by ordinance.~~

7-3-418. Terms of elected officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters and shall be four years.

7-3-431. Additional structural suboptions for county and consolidated governments. In county and consolidated local governments, the plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-432 through 7-3-442. The officers shall have the powers and duties established by ordinance. After the establishment of any office, the commission may consolidate, as provided by law, two or more of the offices.

7-3-432. Legal officer. A legal officer (who may be called the county attorney):

- (1) shall be elected;
- ~~(2) shall be appointed by the local government commission;~~
- ~~— (3) shall be appointed by the chairman of the local government commission;~~
- ~~— (4) shall be selected as provided by ordinance;~~
- ~~— (5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~— (6) shall not be included in this form as a separate office.~~

7-3-433. Law enforcement officer. A law enforcement officer (who may be called the sheriff):

- (1) shall be elected;
- ~~(2) shall be appointed by the local government commission;~~
- ~~— (3) shall be appointed by the chairman of the local government commission;~~
- ~~— (4) shall be selected as provided by ordinance;~~
- ~~— (5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~— (6) shall not be included in this form as a separate office.~~

7-3-434. Clerk and recorder. A clerk and recorder:

- (1) shall be elected;
- ~~— (2) shall be appointed by the local government commission;~~
- ~~— (3) shall be appointed by the chairman of the local government commission;~~
- ~~— (4) shall be selected as provided by ordinance;~~
- ~~— (5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~— (6) shall not be included in this form as a separate office.~~

7-3-435. Clerk of district court. A clerk of district court:

- (1) shall be elected;
- ~~— (2) shall be appointed by the local government commission;~~
- ~~— (3) shall be appointed by the chairman of the local government commission;~~
- ~~— (4) shall be selected as provided by ordinance;~~
- ~~— (5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~— (6) shall not be included in this form as a separate office.~~

7-3-436. Treasurer. A treasurer:

- (1) shall be elected;
- ~~(2) shall be appointed by the local government commission;~~
- ~~— (3) shall be appointed by the chairman of the local government commission;~~
- ~~— (4) shall be selected as provided by ordinance;~~
- ~~— (5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~— (6) shall not be included in this form as a separate office.~~

7-3-437. Surveyor. A surveyor:

- ~~(1) shall be elected;~~
- (2) shall be appointed by the local government commission;
- ~~(3) shall be appointed by the chairman of the local government commission;~~
- ~~(4) shall be selected as provided by ordinance;~~
- ~~(5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~(6) shall not be included in this form as a separate office.~~

7-3-438. Superintendent of schools. A superintendent of schools:

- ~~(1) shall be elected;~~
- (2) shall be appointed by the local government commission;
- ~~(3) shall be appointed by the chairman of the local government commission;~~
- ~~(4) shall be selected as provided by ordinance;~~
- ~~(5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~(6) shall not be included in this form as a separate office.~~

7-3-439. Assessor. An assessor:

- ~~(1) shall be elected;~~
- (2) shall be appointed by the local government commission;
- ~~(3) shall be appointed by the chairman of the local government commission;~~
- ~~(4) shall be selected as provided by ordinance;~~
- ~~(5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~(6) shall not be included in this form as a separate office.~~

7-3-440. Coroner. A coroner:

- ~~(1) shall be elected;~~
- (2) shall be appointed by the local government commission;
- ~~(3) shall be appointed by the chairman of the local government commission;~~
- ~~(4) shall be selected as provided by ordinance;~~
- ~~(5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~(6) shall not be included in this form as a separate office.~~

7-3-441. Public administrator. A public administrator:

- (1) shall be elected;
- ~~(2) shall be appointed by the local government commission;~~
- ~~(3) shall be appointed by the chairman of the local government commission;~~
- ~~(4) shall be selected as provided by ordinance;~~
- ~~(5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~(6) shall not be included in this form as a separate office.~~

7-3-442. Auditor. An auditor:

- ~~(1) shall be elected;~~
- (2) shall be appointed by the local government commission;
- ~~(3) shall be appointed by the chairman of the local government commission;~~
- ~~(4) shall be selected as provided by ordinance;~~
- ~~(5) may at the discretion of the commission be selected as provided by ordinance; or~~
- ~~(6) shall not be included in this form as a separate office.~~

**Certificate Establishing the Date Of The Special Election
At Which Time The Question Of Amendments To The
Current County Commission Form Of Government Shall
Be Presented To The Electors Of Ravalli County, Montana**

The Amendments to the current County Commission Form of government proposed by the Ravalli County Local Government Review Study Commission shall be submitted to the voters of Ravalli County, Montana at a Special Election to be held in conjunction with the General Election on November 7, 2006.

We, the Ravalli County Local Government Review Study Commission, do hereby certify that this is the date of the Special Election approved by the following Study Commissioners.

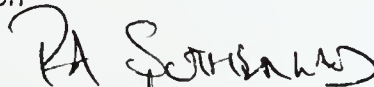
In testimony whereof, we set our hand:

Vicky Bohlig



Howard Anderson

Alec Sutherland



Glenda Wiles ex officio



Done this 11 day of Sept 2006 in Hamilton, Montana.

ATTEST: _____

Ravalli County Clerk and Recorder

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On September 11, 2006 personally appeared before me
Vicky Bohlig and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.

 SHAWNA P. KOCH
Notary Public for the State of Montana
Residing at Hamilton, Montana
My Commission Expires Apr. 14, 2008

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On September 11, 2006 personally appeared before me
Alec Sutherland and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

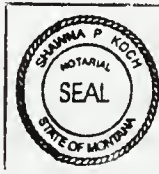
IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.

 SHAWNA P. KOCH
Notary Public for the State of Montana
Residing at Hamilton, Montana
My Commission Expires Apr. 14, 2008

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On September 11, 2006 personally appeared before me
Glenda Wiles and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.



Shawna P. Koger
Notary Public for State of Montana
Residing at HAMILTON, Montana
My Commission expires April 14, 2008

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On _____ personally appeared before me
_____ and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.

Notary Public for State of Montana
Residing at _____, Montana
My Commission expires _____

**Certificate Establishing the Date of the First Primary and
General Election for County Commissioners of the
Amended Government Of Ravalli County, Montana, If the
Amended Proposal is Approved
AND
Establishing the Effective Date of the Amendment to the
County Commission Form of Government of Ravalli
County, Montana, If Approved**

The date of the Primary for election of County Commissioners of the new amended government of Ravalli County, Montana shall be held at a Special Election on April 3, 2007. This election shall serve as the General election if: A) the amendment concerning Nonpartisan elections is passed by a majority of voters, and B) the provisions to trigger a primary election under MCA 13-14-115 are not met thereby negating a separate primary election. If necessary conditions for a Primary election are met then the General Election shall be held subsequent to the Primary on or before the next regularly scheduled county election date, June 5, 2007.

The effective date of the amended plan of government shall be 0800 on the day following certification of the election but no later than 8:00 AM on the second Wednesday after the election date, November 7, 2006, except that amendments to the number of seats on the Board of County Commissioners of Ravalli County shall be effective no later than 8:00 AM on the second Wednesday following the Special General Election when newly elected officers shall take the oath of office and initiate activities.

We, the Ravalli County Local Government Review Study Commission, do hereby certify that these are the dates of the Primary and General Elections and the effective date of the amended plan of government, of Ravalli County, Montana approved by the Study Commissioners of Ravalli County, Montana.

In testimony whereof, we set our hands.

Vicky Bohlig

Howard Anderson

Alec Sutherland

Glenda Wiles ex officio

Vicky Bohlig
Howard Anderson
Alec Sutherland
Glenda Wiles

Done this 11 day of Sept, 2006 in Hamilton, Montana.

ATTEST: _____

Ravalli Clerk and Recorder

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On September 11, 2006 personally appeared before me
U.cky Bohling and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.

 Shawna P. Koch
Notary Public for State of Montana
Residing at HAMILTON Montana
My Commission expires April 14, 2008
SHAWNA P. KOCH
Notary Public for the
State of Montana
Residing at Hamilton, Montana
My Commission Expires
April 14, 2008

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

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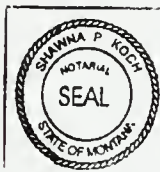
IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.

 Shawna P. Koch
Notary Public for State of Montana
Residing at HAMILTON Montana
My Commission expires April 14, 2008
SHAWNA P. KOCH
Notary Public for the
State of Montana
Residing at Hamilton, Montana
My Commission Expires
April 14, 2008

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

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Glenda Wiles and _____, known to me to be
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they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.



Shawna P. Koch
Notary Public for State of Montana
State of Montana Residing at HAMILTON, Montana
My Commission expires April 14, 2008
Residing at Hamilton, Montana
My Commission Expires April 14, 2008

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On _____ personally appeared before me
_____ and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.

Notary Pubic for State of Montana
Residing at _____, Montana
My Commission expires _____

Certificate of the "Plan of Apportionment" of Board of County Commissioner Districts

If approved by electors in the Special Election, Ravalli County shall be reapportioned into five County Commissioner Districts for the purpose of apportioning seats to the Ravalli County Board of County Commissioners. These five separate districts shall reflect equal representation and authority on the Ravalli County Board of Commissioners. The area of each District shall be as contiguous, compact and equal in population as possible. If voters retain three County Commissioner Districts then the current districts, as reflected in Commissioner Resolution 1304 and if verified as accurate, will remain unchanged. The following descriptions shall describe the five districts utilizing the current precinct boundaries known to exist June 2006 and the US Census 2000 Block Data provided by Ravalli County GIS Department:

District 1 The boundaries of the current precincts 1,2,3,4,5 and those parts of precincts 6 and 8 that lie west of US Highway 93

District 2 The boundaries of the current precincts 7 and 9 and that part of precinct 6 that lies east of US Highway 93

District 3 The boundaries of the current precincts 10,11,12,13 and that part of precinct 8 that lies east of US Highway 93

District 4 The boundaries of the current precincts 14,15,16,18

District 5 The boundaries of the current precincts 17, 19, 20, 21, 22

The final adopted version of the Plan of Apportionment complete with maps and population numbers will be available for voter examination no later than 30 days before the special election. We are making every effort to produce these materials as soon as possible.

Note: The information above was compiled in June 2006 based on information provided by Ravalli County officials. We have been notified by county officials that this information may be incorrect. For the purposes of this Final Plan the boundaries described above will serve as the boundary description until and unless we are provided with additional data by the county to correct this. We understand this impacts your ability to analyze this Plan. We are sorry for this inconvenience to the voter and will work with the county to bring you an accurate map as soon as humanly possible. We are retaining the right to amend this Plan at a later date to accurately and legally apportion boundaries under MCA 7-4-2102.

We, the Ravalli County Local Government Review Study Commission, do hereby certify that this is the Five Commissioner Districts Plan of Apportionment for Ravalli County, Montana approved by the Study Commissioners of Ravalli County, Montana.

In testimony whereof, we set our hands.

Vicky Bohlig

Howard Anderson

Alec Sutherland

Glenda Wiles ex officio

Done this 11 day of Sept 2006 in Hamilton, Montana.

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

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Ucky Bontig and _____, known to me to be
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that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.

 SHAWNA P. KOCH
Notary Public for State of Montana
Residing at Hamilton Montana
State of Montana Commission expires April 14, 2008
My Commission Expires April 14, 2008

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

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written.

 SHAWNA P. KOCH
Notary Public for State of Montana
Residing at Hamilton Montana
State of Montana Commission expires April 14, 2008
My Commission Expires April 14, 2008

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

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Shawna P. Koch
Notary Public for the State of Montana
Residing at Hamilton Montana
My Commission expires April 14, 2008

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

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that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above
written.

Notary Public for State of Montana
Residing at _____, Montana
My Commission expires _____

Advisory Plan for an Orderly Transition

To comply with Montana Code Annotated 7-3-193 and 7-3-157, the RCLGSRC has prepared this 'Advisory Plan for an Orderly Transition' in order to describe to voters and Ravalli County residents how the county government will transition from the current plan of government to any new amendments that the voters may approve in the November 2006 General Election. It is important for the voter to understand the ramifications of the proposed amendments and to be clear on the exact process that will guide the implementation of any changes. Each of the five options placed on the ballot can stand or fall on its own merits without being dependant for another option to implement. However, voter approval and adoption of some of the combinations of the options will trigger certain actions by the county government and this 'Advisory Plan' will serve to clarify and guide those actions as we move from the plan of government that we all enjoy today to the new amended plan that we may approve in November.

The five basic choices before the voters are:

- 1) Adopt nonpartisan elections or retain partisan elections.
- 2) Increase the number and valley representation of seats on the Board of Commissioners to five or retain the current three member Board.
- 3) Decrease the length of term in office for the commissioners to four years or maintain the current six-year term.
- 4) Vote for commissioners strictly by individual districts or retain the countywide at-large voting.
- 5) Adopt concurrent elections for commissioners or maintain the overlapping terms.

The following will detail how each of these options shall be incorporated into Ravalli County Government with each of the other options that are approved by voters.

Adoption of recommendation 1 from the list above (non-partisan elections) will not specifically require a new election.

Voter adoption of any of the recommendations, 2 through 5, from the list above will affect and change the manner of electing commissioners and will trigger a special election as described in the "Certificate Establishing the Date of the first Primary and General Election, If Approved, and Establishing the Effective Date of the Amendments, If Approved" (p. 25), as per statute (41 MT A.G. Op. 44 (1986)).

The type of elections for all county offices (Nonpartisan or Partisan elections).

MCA 7-3-413 addresses the type of election county commission governments shall conduct. If nonpartisan elections are approved then any and all countywide elected offices will be officially nonpartisan in all subsequent elections.

If voters retain partisan elections, all subsequent elections will be unchanged from the current type.

The size of the commission (How many members should represent Ravalli County on the commission).

MCA 7-3-417 addresses the size of the commission (not less than three). If the increase to five commissioners is approved, then a special election shall be held April 3, 2007 to fill all seats.

If the current number of three commissioners is retained then the existing commissioner districts described in Ravalli County Resolution 1304, if verified as accurate, will apply.

The length of term for the County Commissioners (4 years or 6 years).

MCA 7-3-418 allows for a term of office not exceeding six years. If the term length is decreased to four years, a special election will be triggered.

If six year terms are retained, the length of term will be unchanged from the current length.

Selection of commission members (district-only voting or at-large voting).

MCA 7-3-412 addresses the geographical manner by which candidates are nominated and voted on. If district-only voting is approved, candidates must still live in a particular district for two years, but they will also be voted on only by the residents of that particular district. If district elections are approved, a special election will be triggered.

If the current option of at-large voting is retained then county-wide, at-large voting and the current residency requirements will be unchanged from the current selection method.

Terms of commission members (concurrent or staggered).

MCA 7-3-416 addresses the manner in which individual terms of office run. With concurrent terms, all seats on the commission will extend for the same term length simultaneously. If concurrent terms are approved a special election will be triggered.

With staggered terms, individual seats on the commission will extend in an overlapping manner with respect to each other. If staggered terms are retained then the current option will remain unchanged from the current manner.

As detailed in the Certificate of Election, if certain amendments to the current county "Commission Form" described above are approved by voters there will be a special election conducted on Tuesday April 3, 2007 to implement those options. If the nonpartisan option is approved in the November general election this election will be conducted on a nonpartisan basis and MCA 13-14-115 will determine whether or not a primary must be conducted on this date. In brief, the trigger for a primary in a nonpartisan election by districts is: a) 4 or more candidates in half of the offices on the ballot AND b) 5 or more candidates for any one office on the ballot. The trigger for a primary in a nonpartisan election at large with 3 commissioners is: a) 10 or more candidates in half of the offices on the ballot AND b) 11 or more candidates for any one office on the ballot. The trigger for a primary in a nonpartisan election at large with 5 commissioners is: a) 15 or more candidates in half of the offices on the ballot AND b) 16 or more candidates for any one office on the ballot. If the combination of candidates totals less than the number specified above, as per MCA 13-14-115, then a primary need not be held. If a primary is triggered, then the April 3, 2007 date will serve as the primary and a subsequent general election will be held on or before the next county election on Tuesday June 5, 2007. The two candidates receiving the highest and second highest vote totals in the primary shall advance to the general election.

It is important to note that if a special election is triggered for April 2007 the members of the governing body holding office on the date the new plan is adopted may continue in office until the new governing body has been elected and qualified as provided in MCA 7-3-158 (1).

Upon approval and adoption of any amendment or combination of amendments to the current plan of government that authorize the formation of a new commission, activities and duties shall be undertaken by the new commission consistent with that reconstitution. These activities shall initiate immediately after formation of the new commission and shall include, but are not limited to:

- >Consider the supplementary report (issued separately) from the RCLGRSC that addresses specific recommendations to the commission regarding county operations, organization, administration and budgeting issues that do not rise to the level of ballot options but are considered by the RCLGRSC to likely benefit Ravalli County Government.
- >Solicitation of candidates and appointment of members to reestablish all county advisory boards in order to support timely implementation and administration of county deliberations, services and business.
- >Analysis of the 2007 fiscal year budget to reflect the priorities of the new commission.

We, the Ravalli County Local Government Review Study Commission, do hereby certify that this represents the Advisory Plan for an Orderly Transition directing

implementation of any new amendments approved by voters in the Special Election for Ravalli County, Montana.

In testimony whereof, we set our hands.

Vicky Bohlig

Vicky Bohlig

Howard Anderson

Alec Sutherland

A Sutherland

Glenda Wiles ex officio

Glenda Wiles

Done this 11 day of Sept. 2006 in Hamilton, Montana.

ATTEST

Ravalli County Clerk and Recorder

STATE OF MONTANA)
) ss
COUNTY OF RAVALLI)

On September 11, 2006 personally appeared before me
Vicky Bohlig and _____, known to me to be
the persons whose names are subscribed to the foregoing document, and acknowledged to me that
they executed the same as _____ who acknowledged to me
that he/she executed the document.

IN WITNESS WHEREOF, I have affixed my signature and official seal the day and year first above written.

 SHAWNA P. KOCH
Notary Public for the
State of Montana
Residing at Hamilton, Montana
My Commission Expires April 14, 2008
Shawna P. Koch
Notary Public for State of Montana
Residing at Hamilton Montana
My Commission expires April 14, 2008



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MONTANA DEPARTMENT OF COMMERCE

Local Government Assistance Division
Local Government Services-Systems Program
1424 9th Avenue PO Box 200501
Helena, MT 59620-0501

Phone: (406) 444-3010
FAX: (406) 444-9785
TDD: (406) 444-2978

April 8, 1996

STATE DOCUMENTS COLLECTION

APR 20 1996

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

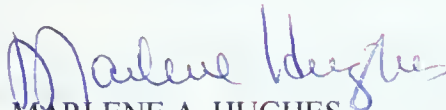
Mr. Harold Chambers
Montana State Library
1515 E. Sixth Avenue
PO Box 201800
Helena, MT 59620-1800

Mr. Chambers:

In accordance with Section 7-3-187, MCA, local government study commissions are to file two copies of their final report with the department of commerce, local government services bureau. One of these copies is to be forwarded by the department of commerce to the state library.

Enclosed you will find a copy of the City of Harlowton and Ravalli County's decision regarding the 1994 study commission.

Sincerely,

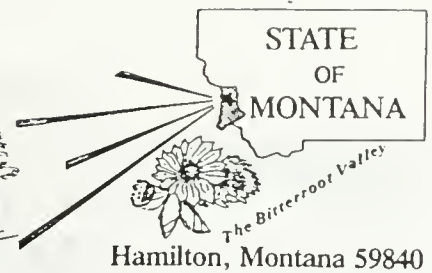

MARLENE A. HUGHES
Program Specialist

Enclosure

RECEIVED

Ravalli
County
Local Government Review Commission

SERVICES BUREAU



Hamilton, Montana 59840

1994-1996

March 21, 1996

Fellow Citizens of Ravalli County:

In November of 1994 you elected us to review our county government. We have put in well over 1500 hours of volunteer work:

- Studying our current form of government;
- Evaluating the alternative forms available; and
- Assessing future needs.

Throughout this review we have sought advice and information from the citizens of the county. All of our meetings have been open to the public. A complete record of our proceedings is available for public review at the Ravalli County Clerk and Recorder's office.

Based on this process of outreach and participation, we have prepared a Charter for Ravalli County. The Key features of this charter are

1. Adoption of Self Government powers for Ravalli County;
2. Providing the voters with the choice between Partisan or Non-Partisan elections for county offices; and, a Three (3) or Five (5) member County Commission. The three member Commission will have Six (6) year terms; the five member Commission will have Four (4) year terms.

We invite you to join us in preparing Ravalli County to meet the challenges of the 21st Century by reading our final report and casting your vote in the June 4th Primary election.

Respectfully submitted by the members of the Ravalli County Local Government Review Commission.

Robert Christ
Robert Christ, Chairperson

Helen Ann Bibler
Helen Ann Bibler, Member

Rosemarie Neuman
Rosemarie Neuman, Vice Chair

Robert Johnson
Robert Johnson, Ex-Officio Member

Attest Betty T. Lund
Clerk & Recorder of Ravalli County

RECEIVED
1996
COUNTY GOVERNMENT
SERVICES BUREAU

A. Comparison of Existing and Proposed Forms

Characteristic	Existing Form	Proposed Form
Form	Commission incorporates legislative, administrative, and executive functions in a single branch.	Same form with the addition of Self-Governing Charter.
Powers	" General Government Powers " * State law specifies what county can do and how it shall do it. * Limited power to pass ordinances.	" Self-Government Powers " * County government may exercise any power which state and federal governments do not prohibit. * These powers are vested in the County Commission.
Governing Body * Size * Districts * Term	*3 Commissioners elected at large * 3 districts. *6 year overlapping	* 3 or 5 members elected at large from * 3 or 5 districts * 6 year with 3 Commissioners * 4 year with 5 Commissioners
Presiding Officer	Chairman elected by members of Commission.	Same
Duties	Commission is responsible for legislative and executive functions. Administrative power is shared with other elected officials.	Same
Meetings	Perpetual open meeting	Regularly scheduled meetings with published agenda.
Chief Administrative Officer	None Administrative responsibilities distributed among Commissioners, elected officials and various boards.	Same Overall administrative and executive functions are vested in the Board of County Commissioners.
Appointment Powers	County Commission hires non-elected department heads, appoints members of boards, commissions, special districts.	Same
Budget Preparation	Commissioners prepare budget.	Standing budget committee consisting of Clerk & Recorder and at least four (4) other elected officials, department heads, administrative assistants or staff prepares budget for adoption, amendment, or rejection by County Commission.
Elections	Partisan	Partisan OR Non Partisan decided by voters on June 4, 1996 ballot.
Other Elected Officials	<u>6 elected officials</u> Sheriff/Coroner County Attorney/County Auditor Clerk & Recorder/Supt of Schools Clerk of District Court Treasurer/Surveyor/Assessor Public Administrator	<u>6 elected officials</u> Sheriff County Attorney Clerk & Recorder Clerk of District Court Treasurer Public Administrator Supt. of Schools and Coroner to be appointed by County Commission. Other offices combined by resolution adopted by the County Commission.

D. Key Provisions of the Proposed Charter Form of Government

1. SELF-GOVERNING POWERS:

The adoption of Self-Governing powers will alter the traditional relationship between the state and the county. Traditionally, the state legislature has decided what county government could do and how it should do it.

Self-Government powers will bring greater flexibility for shaping our governmental structure to solve our own problems. Along with this opportunity comes an increased responsibility to recognize our own problems. The foundation for Self-Government powers rests upon citizen participation.

2. BOARD OF COMMISSIONERS CALENDAR and AGENDA:

The County Commissioners will provide the citizens with a weekly calendar and agenda. All items requiring final action will be decided at a weekly public meeting of the Board of Commissioners.

3. EMPLOYEE COMPENSATION PLAN:

The County Commissioners will develop a compensation plan for all county employees. The plan will include: position descriptions, regular evaluations, merit compensation, and a grade-step plan.

4. STANDING BUDGET COMMITTEE:

The County Commissioners will form a standing budget committee to prepare an annual budget for the county to adopt, amend, or reject with recommendations.

5. LONG-RANGE ASSESSMENT GOALS:

The County Commissioners will develop a long-range (7 year) operational plan. The purpose of this plan is to minimize the long-term governmental costs of managing growth and providing services. The charter prescribes a set of categories to be addressed by this plan, and provides for adoption of additional categories as conditions change.

6. PARTISAN or NON-PARTISAN ELECTIONS:

Voters will decide by sub-option whether future elections for Ravalli County Officials will be conducted on a Partisan or Non-partisan basis.

7. THREE or FIVE MEMBER BOARD OF COMMISSIONERS:

Voters will decide by sub-option whether Ravalli County should be governed by a Three (3) or Five (5) member Legislative/Executive Board of Commissioners.

8. TERMS of OFFICE

If voters choose the Five member Board of Commissioners, the term of office for County Commissioners will be reduced to Four (4) years.

B. Summary Of Findings:

Our study of Ravalli County's present form of government concluded that although the present form is performing adequately, changes are necessary to increase Ravalli County's capability to manage growth and maintain the quality of life in our county.

- **Local Control:** Elected officials and citizens alike expressed frustrations about the limitations imposed by the existing General Purpose Form of Local Government.
- **Citizen Participation:** Currently, the Ravalli County Commission maintains a perpetual open meeting policy for making decisions. Citizens expressed frustration about not knowing what or when the Commissioners were deciding on items requiring final action. Others felt six year terms were too long to keep the Commissioners in touch with the electorate. Many felt partisan labels do not have a role in local affairs and may keep some people from running for office.
- **Lack of Uniformity and Common Direction:** Ravalli County government currently consists of a three member County Commission, plus six elected officials, and seven semi-autonomous departments. Occasionally this results in disparities or a lack of coordination. Personnel policy and budgeting are two areas where lack of uniformity appears to be most problematic.
- **Rapid Growth and Changing Roles:** For the past two years, Ravalli County has been the fastest growing county in Montana. For county government, population growth translates directly into increased demand for services. State and federal government initiatives promise to shift responsibilities to other levels of government, creating new roles for county government.
- **Accountability of County Commission & Elected Officials:** Repeatedly, many citizens voiced their desire to maintain control over county government through the election process. Many stated the overlapping six year terms of the Commissioners were too long to make this realistic. Others expressed concerns about concentrating too much authority in a three member County Commission.

C. Summary Of Recommendations:

Having thoroughly studied our present form of county government, evaluated the alternative forms of government available to counties under state law, and assessed the future governmental needs of Ravalli County, the Ravalli County Local Government Study Commission recommends:

1. Ravalli County adopt the Charter Form of government with self-governing powers, effective January 6, 1997;
2. Legislative/Executive powers of this government will continue to be vested in a Board of County Commissioners. Voters will decide by selecting from these sub-options:
 - A. whether this Commission will consist of Three or Five members;
 - B. whether County Officials will be elected on a Partisan or Non-Partisan basis.
3. The County Commission will be required to
 - Publish a weekly calendar and agenda for a public meeting on items requiring final action;
 - Form a standing budget committee;
 - Adopt a uniform county personnel policy; and,
 - Develop and annually update a long-range assessment.

Supplementary Report to Ravalli County Board of Commissioners and Citizens

The Ravalli Local Government Study Commission has spent fifteen months studying county government. Elected officials and department heads were interviewed. The county budget was analyzed. Citizens were surveyed. The operations of county government were examined. The form of government was studied and compared to others allowed by Montana statute.

Through this process, the Study Commission found much that we can all be proud of about our county government. One of the things that stands out is how much we do get out of every local government tax dollar expended. Dedicated employees, volunteerism, and community service add substantial value to the limited resources available to Ravalli County. The example of the unfailing service of our Volunteer Fire Departments cooperating with one another in responding to emergencies was an inspiration to each of us throughout the study process.

Though there is much that is right about county government, there is still room to improve. Several recommendations for change that were repeatedly brought to the attention of the Ravalli County Study Local Government Study Commission include:

1. 911 should be moved out of the jail, and the dispatcher position reclassified to allow for more training and pay.
2. Separate offices for the County Commissioners would benefit the administration of the county and would allow better communication with citizens.
3. Department heads should meet regularly. The County Commissioners should attend these meetings at their own discretion.
4. The Public Health Officer position should be increased as needed with a commensurate increase in pay.
5. All county departments should continue to upgrade their capability to utilize electronic information processing technologies.
6. The Treasurer should employ someone to collect delinquent taxes.
7. Appropriate county offices, such as Clerk and Recorder, Treasurer, Clerk of District Court, should adopt a policy of accepting credit card payments.

Many additional concerns expressed to the Study Commission by Ravalli County citizens could not be addressed within the framework of a review of county government. Therefore, whether or not the charter passes, the Ravalli Local Government Study Commission recommends the Ravalli County Commissioners use their existing powers to appoint citizen commissions to address specific issues of public interest between now and the year 2005, the next review of local government.

The duties of these commissions would be to study and make recommendations about Ravalli County's relationships to state government, federal government, and other local governments.

Provisions of the Ravalli County Charter that should be set in motion if the Charter fails to pass are:

- A. A weekly calendar and an agenda for each weekly public meeting at which final action requiring a vote of the Ravalli County Commissioners should be published.
- B. A standing budget committee established by resolution of the Ravalli County Commissioners should be appointed to prepare the county budget. The budget committee should consist of the Clerk and Recorder and at least four other elected officials, department heads, administrative assistants or staff.
- C. The Ravalli County Commissioners should prepare a seven (7) year assessment goals statement for the county and update it annually.
- D. The Ravalli County Commissioners should set by resolution the compensation of all non-elected department heads and other county employees by adoption of positions descriptions, a personnel evaluation system, a merit and grade step compensation plan.
- E. The District Court Judge and the Ravalli County Commissioners should enter into an agreement concerning the administration of the Office of the Clerk of District Court.
- F. It is recommended that if the sub-option for Non-Partisan gains a majority of the vote of the people, the County Commissioners consider instituting non-partisan elections.
- G. It is recommended that if the sub-option for Five (5) Board of Commissioners gains a majority of the vote of the people, the County Commissioners consider expanding the board.

The Ravalli Local Government Study Commission recommends that the Ravalli County Commissioners review these suggestions and respond within one year; (Mont. Code Ann. 7-3-190).

Robert Christ
Robert Christ, Chairperson

Helen Ann Bibler
Helen Ann Bibler, Member

Rosemarie Neuman
Rosemarie Neuman, Vice Chair

Robert Johnson
Robert Johnson, Ex-Officio Member

Attest: Betty T. Sund
Clerk & Recorder of Ravalli County

Signed this _____ Day of March, 1996,

Ravalli County Charter

PREAMBLE

We, the people of Ravalli County, trusting in God and in our own abilities, and seeking to empower ourselves and future generations with the ability to provide, protect and preserve a high quality of life, diversity and good character in a community of goodwill, love, liberty and equal opportunity for all, now therefore ordain and establish this Charter.

ARTICLE I POWERS OF THE COUNTY

Section 1.01 Self-Governmental Powers of Ravalli County

Ravalli County has all possible powers that a self-government powers county may have under the Constitution and laws of the United States and the State of Montana as fully and completely as though they were specifically enumerated in this Charter. This Charter shall not exercise any self-governmental power which is denied by state or federal law.

Section 1.02 Interpretation of Powers

The powers and authority granted through this charter shall be construed as defined in Article XI, Section 6 of the Montana Constitution. Every reasonable doubt as to the existence of a county power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Restriction on Powers

(1) The mill levy shall be limited to that of Montana county governments with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special election.

(2) All county license, user permit, or other types of fees shall not be established, except by ordinance, after the required public hearings.

Section 1.04 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of the State of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

ARTICLE II LEGISLATIVE BODY

Section 2.01 Legislative Body

The elected legislative body of Ravalli County shall be the Board of County Commissioners which shall have the power to set policy by adoption of lawful ordinances and resolutions.

Section 2.02 Composition

The Board of County Commissioners shall be composed of three (3) or five (5) Commissioners, the number to be determined by the electorate at the time this Charter is adopted. Each Commissioner shall be elected at large, one elected from each election district.

Section 2.03 Qualifications for Office

(1) Every resident of Ravalli County who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution, is eligible to hold the office of Commissioner for the district in which the individual resides.



(2) No one shall be elected as a Commissioner who has not resided in the county for at least four (4) consecutive years immediately preceding the time when the individual becomes an officially filed candidate for said office.

Section 2.04 Term of Office

If a three-member board of County Commissioners is chosen by the electorate, members of the commission shall be elected for six (6) year overlapping terms of office. One Commissioner shall be elected every two (2) years.

If a five-member board of County Commissioners is chosen by the electorate, the members of the commission shall be elected for four (4) year terms of office. The Commissioners representing even-numbered districts, and the Commissioners representing odd-numbered districts, shall be elected alternately every two years.

Section 2.05 Vacancies and Removal

(1) The office of a County Commissioner shall become vacant upon death, resignation, or removal from office in any manner authorized by state law or this Charter.

(2) A County Commissioner shall be removed from office for any of the following reasons:

(a) the Commissioner is ineligible or unqualified for the office;

(b) the Commissioner is declared totally and permanently incapable of continuing to perform the duties of the office by a panel of three (3) physicians. The procedure for convening such a panel of physicians shall be established by ordinance;

(c) absence from the county for thirty (30) consecutive days without the approval of the County Commission;

(d) conviction of a felony, or an adjudication that the Commissioner violated the Montana Code of Ethics;

(e) failure to remain resident and domiciled within the district which the Commissioner represents;

(f) recall by the electorate; or

(g) Commissioner's persistent and continuing failure or refusal to perform the duties of office, including but not limited to, attendance at regular meetings.

(3) Should a vacancy occur in a County Commissioner position, the County Commission shall, by a majority vote of all remaining members, within sixty (60) days after the vacancy occurs, appoint a person eligible to hold such office, to fill the vacancy until the next regular election. This vacancy shall be filled by an individual meeting the qualifications for office set forth in section 2.03.

(a) If the Commissioner was elected or appointed on a partisan basis, the replacement shall be selected from a list of at least three (3) names supplied, by the county central committee that represents the party in office immediately prior to the vacancy, within thirty (30) days of the vacancy; or

(b) If the Commissioner was elected or appointed on a non-partisan basis, the replacement shall be selected from a list of at least three (3) names supplied by each central committee representing that district in which the vacancy occurred, within thirty (30) days of the vacancy.

Section 2.06 Commission Chair

At the first Monday meeting of each calendar year, the County Commission shall elect from its membership a chair and a vice-chair, who shall act in the absence of the chair. The chair shall be the presiding officer at County Commission meetings and shall be responsible for setting and publishing the agenda for each meeting. At the request of any two Commissioners, additional items may be added to the agenda prior to its publication.

Section 2.07 Powers and Duties

The legislative power of the county government shall be vested in the County Commission and may be exercised only by ordinance or by resolution. The County Commission is the policy determining body of the county and has all the legislative powers and duties of the county that are not otherwise reserved to the people or to the state by



law. The County Commission shall have such other powers and duties as delegated to it by this charter.

Section 2.08 Procedure, Meeting Time, and Place

(1) The County Commission shall hold at least one public meeting each week; all final action requiring a vote of the County Commissioners shall be conducted at that public meeting, or tabled for a later public meeting. The County Commission shall establish by resolution, consistent with the requirements of the law and this Charter, rules of procedure, and time and place, of this and all other meetings. An agenda for all regularly scheduled County Commission meetings shall be prepared in writing in advance, and made available to the public.

(2) The County Commission shall produce, in writing and in advance, a weekly calendar and an agenda for each weekly public meeting at which final action requiring a vote of the County Commission shall be conducted, and shall:

(a) publish open meeting agenda no later than three (3) days in advance in a newspaper of general circulation published in the county;

(b) provide agenda and calendar to all newspapers published in the county;

(c) provide agenda and calendar to all local radio and television stations broadcasting in the county; and,

(d) mail agenda and calendar at least three (3) days in advance to anyone requesting regular dissemination of such information in writing.

(3) In an emergency or exigent circumstance, the County Commissioners may meet and act and shall only be required to give such public notice thereof, if any, as is reasonably warranted under the circumstances. However, as soon as is practical thereafter, the County Commissioners shall notify the public of any action taken.

Section 2.09 Advisory Boards, Commissions and Committees

The County Commission may, by ordinance create or abolish such advisory county boards, commissions, and committees as required to serve the best interests of the county. Members of the boards, commissions, and committees shall be appointed by the commission chair with an affirmative vote of a majority of the County Commission unless otherwise provided by ordinance or interlocal agreement.

Section 2.10 Compensation

The County Commission shall establish by resolution the annual compensation of its members, the commission chair, and other elected county officials in accordance with state law; and shall establish by resolution the annual compensation of appointed department heads, advisory boards, commissions and committees.

Section 2.11 Quorum

A majority of the Commissioners shall constitute a quorum.

Section 2.12 Method of enacting Ordinances and Resolutions

County ordinances and resolutions shall be enacted in accordance with State law. The County Commission shall, by ordinance, establish the procedure whereby resolutions shall be adopted.

ARTICLE III EXECUTIVE BODY

Section 3.01 Executive & Administrative Functions

The chief executive and administrative functions of Ravalli County government shall be vested in the Board of County Commissioners, who collectively shall act as the chief executive officer of the county, and whose terms of office and method of selection are set forth in Article II of this Charter.

Section 3.02 Powers and Duties

The County Commissioners shall have the authority to:

4. The fourth part of the document discusses the implications of the findings. It suggests that the results have significant implications for the field of research and may lead to further developments in the future.

5. The fifth part of the document concludes the study. It summarizes the key findings and provides a final statement on the importance of the research.

6. The sixth part of the document discusses the limitations of the study. It acknowledges that there are certain factors that may have influenced the results and that further research is needed to confirm the findings.

7. The seventh part of the document provides a list of references. It includes a comprehensive list of all the sources used in the study, including books, articles, and other documents.

8. The eighth part of the document includes a list of figures and tables. It provides a detailed description of each figure and table, including the data it contains and the conclusions it supports.

9. The ninth part of the document includes a list of appendices. It provides a detailed description of each appendix, including the data it contains and the conclusions it supports.

10. The tenth part of the document includes a list of footnotes. It provides a detailed description of each footnote, including the data it contains and the conclusions it supports.

- (1) enforce laws, ordinances, and resolutions and carry out policies established by the commission;
- (2) perform the duties required by law, ordinance, or resolution;
- (3) administer the affairs of Ravalli County government;
- (4) prepare and publish a commission meeting agenda;
- (5) execute bonds, notes, contracts, and written obligations of the county;
- (6) approve, adopt and administer the county budget as proposed in this charter;
- (7) appoint and remove all members of boards, commissions and committees;
- (8) appoint, supervise, administer, suspend and remove by due process all department heads who are not elected;
- (9) exercise direct control and supervision of department in the absence of a non-elected department head;
- (10) prepare, approve, adopt and administer general county personnel policy;
- (11) consolidate two or more Ravalli County offices as provided in Mont. Code Ann. § 7-4-2301;
- (12) exercise any other power or duty pertaining to the executive office under State law or under this Charter.

Section 3.03 Supervision of Elected Officials

The County Commissioners shall have the authority to supervise the official conduct of all elected officers, to see that they faithfully perform their duties, to prosecute them in accordance with the law if they are delinquent in their duties, and, when necessary to require them to renew their official bonds, make reports, and present their books and accounts for inspection.

(a) The Chief District Judge of the twenty-First Judicial District shall have authority to supervise the official conduct of the Clerk of District Court with respect to records management, case management, and the progress and implementation of automation technology. The exercise of this authority shall not infringe upon the County Commissioners' general powers, including budget authority.

Section 3.04 Administrative Assistants

The Commission may employ one or more administrative assistants to assist in the operation of county government.

Section 3.05 Budget

(1) The County Commissioners shall approve, adopt and administer the County budget in compliance with the requirements of this Charter and state law. The County shall budget to meet the needs of the county and the county's Long-Range Assessment Goals.

(a) A standing budget committee consisting of the Clerk and Recorder and at least four (4) other elected officials, department heads, administrative assistants, or staff as determined by resolution of the County Commissioners, shall prepare the county budget. The budget committee shall solicit and obtain requested budgets from each elected official and department head, and shall recommend funding by department. The committee's budget shall be signed by the Clerk and Recorder and submitted to the County Commissioners for adoption, amendment, or rejection with recommendations.

(b) Each elected officer and department head shall administer the funds budgeted for his or her department.

Section 3.06 Long-Range Assessment Goals

The County Commissioners shall cause a Long-Range Assessment of at least seven (7) years duration to be prepared for the county, and shall update it annually. The county's Long-Range Assessment shall consider, in addition to any other matters of public concern:

- (1) growth: schools, services, public safety;
- (2) economy and commerce;
- (3) land use: agriculture, natural resources;
- (4) water use: irrigation, quantity, quality, development;
- (5) environmental quality and waste disposal;
- (6) welfare and human services;
- (7) roads and public transportation;
- (8) governmental facility needs and use;
- (9) telecommunications; and
- (10) cultural and historic resources.

1. The first part of the report discusses the background of the project and the objectives of the study. It also outlines the methodology used for data collection and analysis.

2. The second part of the report presents the results of the study, including the findings from the data analysis and the conclusions drawn from the results.

3. The third part of the report discusses the implications of the findings and the recommendations for future research. It also includes a summary of the key points of the report.

4. The fourth part of the report provides a detailed description of the data collection process, including the sources of the data and the methods used for data collection.

5. The fifth part of the report discusses the limitations of the study and the potential sources of error. It also includes a list of references and a list of figures and tables.

6. The sixth part of the report provides a detailed description of the data analysis process, including the statistical methods used and the results of the analysis.

7. The seventh part of the report discusses the conclusions drawn from the study and the implications of the findings. It also includes a list of references and a list of figures and tables.

8. The eighth part of the report provides a detailed description of the data collection process, including the sources of the data and the methods used for data collection.

9. The ninth part of the report discusses the implications of the findings and the recommendations for future research. It also includes a summary of the key points of the report.

10. The tenth part of the report presents the results of the study, including the findings from the data analysis and the conclusions drawn from the results.

11. The eleventh part of the report discusses the limitations of the study and the potential sources of error. It also includes a list of references and a list of figures and tables.

12. The twelfth part of the report provides a detailed description of the data collection process, including the sources of the data and the methods used for data collection.

13. The thirteenth part of the report discusses the conclusions drawn from the study and the implications of the findings. It also includes a list of references and a list of figures and tables.

14. The fourteenth part of the report provides a detailed description of the data analysis process, including the statistical methods used and the results of the analysis.

15. The fifteenth part of the report discusses the limitations of the study and the potential sources of error. It also includes a list of references and a list of figures and tables.

16. The sixteenth part of the report provides a detailed description of the data collection process, including the sources of the data and the methods used for data collection.

ARTICLE IV JUDICIARY

Section 4.01 Creation of Justice Court

There must be at least one Justice Court located at the county seat. The County Commissioners may, by resolution, constitute such additional Justice Courts as permitted by law, which Courts may be located in such places as provided by law.

Section 4.02 Operation of Justice Court

The creation, operation, funding, and jurisdiction of each Justice Court shall be in accordance with state law.

Section 4.03 Justice of the Peace

The qualifications, election, certification, training, term of office, compensation, and duties of each Justice of the Peace shall be in accordance with state law.

ARTICLE V ELECTED OFFICIALS AND DEPARTMENTS

Section 5.01 Elected Officials

The following department heads shall be elected, and shall have the powers and duties prescribed by law, except as expressly modified by this Charter:

- (1) Sheriff
- (2) County Attorney
- (3) Clerk and Recorder
- (4) Clerk of District Court
- (5) Treasurer
- (6) Public Administrator

Section 5.02 Term of Office

The elected officials designated in section 5.01 shall serve for a term of four (4) years.

Section 5.03 Qualifications for Elected Office

Any citizen residing in Ravalli County, Montana, who is at least 18 years of age, and a registered elector in the county, shall be eligible to hold any elected office designated in section 5.01, except the office of County Attorney. The qualifications for the office of County Attorney shall be those prescribed by state law.

Section 5.04 Election, Removal, Vacancy

The election procedure, the grounds and procedure for removal, and the procedure for filling any vacancy pertaining to those elected offices designated in section 5.01 shall be as prescribed by state law.

Section 5.05 Deputy Officers

Each elected officer designated in section 5.01 shall have the authority to employ, with the consent of the County Commissioners, as many deputies or assistants as may be necessary for the faithful and prompt discharge of the duties of the office.

Section 5.06 Non-Elected Departments

The County Commissioners shall, by ordinance, establish the functions, duties, powers and structure of all other departments. The County Commissioners shall establish the qualifications for appointment, and shall employ department heads, upon such terms and conditions as the Commissioners establish by resolution.

(a) A County Superintendent of Schools shall be appointed and shall have the qualifications specified in state law.

(b) A Coroner shall be appointed and shall have the qualifications specified in state law.

Section 5.07 Consolidation of Offices

The County Commissioners shall have the authority to consolidate any two or more offices as provided in Mont. Code Ann. § 7-4-2301.

Section 5.08 Authority to Employ; Compensation

(1) The County Commissioners shall have the authority, by resolution, and on behalf of the county, to employ all county employees, to contract for services, and to arrange with volunteers; and shall have the authority to establish by resolution, and in compliance with this Charter, all terms and conditions of such employment, contracts and arrangements. Notwithstanding the foregoing:

(a) the County Commissioners shall delegate to each elected officer the authority to employ

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE
1100 EAST 58TH STREET
CHICAGO, ILLINOIS 60637

OFFICE OF THE DEAN
1100 EAST 58TH STREET
CHICAGO, ILLINOIS 60637
(773) 936-3333

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(773) 936-3333

all employees and volunteers within that officer's department;

(b) the County Commissioners may delegate to each non-elected department head the authority to employ all employees and volunteers within that department.

(2) The County Commissioners shall have the authority to:

(a) set by resolution the compensation of all elected officials designated in section 5.01, which compensation shall, at a minimum, be that required by state law;

(b) set by resolution the compensation of all non-elected department heads and other county employees. The County Commissioners shall adopt position descriptions, personnel evaluations, merit compensation and a grade-step compensation plan.

ARTICLE VI DISTRICTS AND APPORTIONMENT

Section 6.01 County Name; Boundaries

(1) The corporate name of this county shall be Ravalli County, Montana. The county boundaries and seat, Hamilton, Montana, shall remain unaffected by this charter.

(2) If a three-member board of County Commissioners is chosen by the electorate, the boundaries of each of the three (3) districts shall be as currently instituted, and shall thereafter be reapportioned in accordance with state law and this Charter.

(3) If a five-member board of County Commissioners is chosen by the electorate, the boundaries for five districts shall be determined and thereafter reapportioned in accordance with state law and this Charter.

(4) Upon reapportionment, the boundaries of each district shall correspond as nearly as possible with boundaries of election precincts or school districts and shall be drawn to produce districts with compact and contiguous territory, composed of geographic units and natural communities which are approximately equal in population.

Section 6.02 Apportionment

The county shall reapportion itself every ten years. Within sixty (60) days after the publication of the federal decennial census and the effective date of the final plan for redistricting and reapportionment of the state into legislative districts, the election administrator shall prepare a reapportionment plan in accordance with state law and this Charter.

Section 6.03 Approval

The county election administrator shall submit its reapportionment plan to the County Commission at a regularly scheduled meeting with ninety (90) days. With thirty (30) days after submission, the County Commission shall return the plan to the election administrator with its recommendations. Within thirty (30) days thereafter, the election administrator shall file its plan with the Chief District Judge and it shall become law upon approval by the District Judge.

ARTICLE VII GENERAL PROVISIONS

Section 7.01 Amendment of Charter

(1) An amendment to a self-government charter or an adopted alternative form of government may only be made by submitting the question of amendment to the electors of the local government. To be effective, a proposed amendment must receive an affirmative vote of a majority of the electors voting on the question. An amendment approved by the electors becomes effective on the first day of the local government fiscal year following the fiscal year of approval unless the question submitted to the electors provides otherwise.

(2) An amendment to a self-government charter or an adopted alternative form of government may be proposed:

(a) by initiative by petition of 15% of the electors registered at the last general election of the local government or,

(b) by ordinance enacted by the governing body.

The question on amendment of a charter or an

2. The second part of the document focuses on the challenges faced by organizations in implementing effective internal controls. It highlights the complexity of modern business environments and the need for a robust framework of controls to manage risks. The text suggests that organizations should adopt a risk-based approach to internal control design and implementation, focusing on the most significant risks to the organization's objectives.

4. The fourth part of the document discusses the role of technology in improving financial reporting and internal control systems. It highlights the benefits of using automated systems for data collection, processing, and reporting, and the potential for technology to enhance the efficiency and accuracy of financial reporting. The text also mentions the need for organizations to invest in training and development to ensure that staff are equipped with the skills and knowledge to use technology effectively.

adopted alternative form of government must be submitted to the electors at the next regular or primary election.

Section 7.02 Effective Date

This Charter shall become effective January 6, 1997.

Section 7.03 Oath of Office

Before assuming the duties of office, all elected county officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of the State of Montana.

Section 7.04 Recall

The people of Ravalli County may exercise initiative, referendum, and recall as provided by state law.

Section 7.05 Removal of Elected Officials

Any elected official who does or suffers an act which, by the provisions of this Charter or other law, creates a forfeiture of his or her office, or which constitutes grounds for removal from office, may be removed from office by the issuance of a Quo Warranto Writ, obtained pursuant to state law.

Section 7.06 Open Government

All meetings and records of Ravalli County shall be open to the public as provided by state law.

Section 7.07 Severability

The provisions of this Charter are severable. If any provision of this Charter is held invalid, the other provisions of the charter shall not be affected thereby.

Section 7.08 Initiative and Referendum

The legislature shall extend the initiative and referendum powers reserved to the people by the constitution to the qualified electors of each local government unit.

ARTICLE VIII TRANSITIONAL PROVISIONS

Section 8.01 General Transition

The county study commission shall prepare an advisory plan for orderly transition to a new plan of local government. The County Commission shall provide for such transition by ordinance, rule or resolution not inconsistent with state law. The provisions of this transition article shall not be published as part of this charter after July 1, 1999.

Section 8.02 Effect of Change in Government

(1) All ordinances, resolutions and policies in effect at the time the new form of government becomes effective shall continue in effect until repealed or amended in the manner provided by law.

(2) The adoption of this charter shall not affect the validity of any bond, debt, contract, obligation, or cause of action accrued or established under the prior form of government.

Section 8.03 Continuation in Office

No county employee currently holding a county office will lose employment solely because of the adoption of this Charter. Except as provided herein, elected officials holding office at the time this Charter is adopted may continue in office until the end of the term for which they were elected, at which time the offices of elected department heads not enumerated in Section 5.01 shall be appointed by the County Commissioners, or vacated.

Notwithstanding the foregoing, if a five-member board of County Commissioners is chosen by the electorate, then a general election for all five Commissioners shall be conducted in 1998, and the terms of all serving Commissioners shall terminate upon the taking of office by those so elected. Those Commissioners elected to represent even-numbered districts shall serve for an initial term of two years, but shall thereafter serve for a term of four years; those Commissioners elected to represent odd-numbered districts shall serve for a term of four years.

We, the Local Government Review Commission of Ravalli County do hereby certify that this is the Final Proposed Plan.

In testimony whereof, we set our hands.

Done at Hamilton, Montana on this 25th day of March, 1996.

Betty T. Lund
Betty T. Lund, Ravalli County Clerk and Recorder

Attest:

March 25, 1996
Date

Robert Christ
Robert Christ, Chairman

Rosemarie Neuman
Rosemarie Neuman, Vice chair

Helen Ann Bibler
Helen Ann Bibler, member

Robert Johnson
Robert Johnson, ex-officio member

RAVALLI COUNTY STUDY COMMISSION MINORITY REPORT

I, the undersigned member of the RAVALLI COUNTY STUDY COMMISSION met to study the existing form and powers of the county government and the procedures for delivery of local government services and compared them with other forms available under the laws of the state of Montana.

I ran for the position for local government review with an open mind and in good faith. We were to be a working group of THREE persons ELECTED to the Study Commission.

I felt that I was excluded in some of the decisions.

Many, many people contacted me that they felt three Commissioners could handle the job. Many were concerned of the cost of extra Commissions. I feel the sub-option of five Commissioners will weaken the chance of the Charters passing.

MY BELIEF IS THAT A GOVERNMENT THAT GOVERNS LEAST GOVERNS BEST.

There are some good things in the Charter and some I disagree with!

Respectfully submitted,

A handwritten signature in cursive script that reads "Rosemarie Neuman".

Rosemarie Neuman
Ravalli County Study Commission



(

(

CERTIFICATE

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT FOR RAVALLI COUNTY

If retained by the voters, the government of Ravalli County shall be organized under the following provisions of MCA 7-3-111 which authorizes the elected county official form of government;

7-3-111. Statutory basis for elected county official government. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(3)
- (d) 7-3-413(1);
- (e) 7-3-414(1)
- (f) 7-3-415(2);
- (g) 7-3-416(2);
- (h) 7-3-417(2);
- (i) 7-3-418;
- (j) 7-3-432(1), 7-3-442(6);
- (k) 7-3-433(1), 7-3-440(1);
- (l) 7-3-434(1), 7-3-438(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1), 7-3-439(1), 7-3-437(1);
- (o) 7-3-441(1);

(2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

These sections establish the following form of government which shall be called the COMMISSION FORM.

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-412 (3). Selection of commission members. The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominated candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

7-3-413 (1). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-414 (1). Chairman of commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415 (2). Administrative assistants. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416 (2). Terms of the commission members. Commission members shall be elected for overlapping terms of office.

7-3-417 (2). Size of commission and community councils. The size of the commission, shall be three, and community councils to advise commissioners may be authorized by ordinance.

7-3-418. Terms of elected officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

7-3-432 (1). Legal officer/7-3-442 (6). Auditor. A legal officer (who may be called the county attorney) and an auditor shall be elected as a consolidated office.

7-3-433 (1). Law enforcement officer/7-3-440 (5). Coroner. A law enforcement officer (who may be called the sheriff) and a coroner shall be elected as a consolidated office.

7-3-434 (1). Clerk and recorder/7-3-438 (5) Superintendent of schools. A Clerk and recorder and a superintendent of schools shall be elected as a consolidated office.

7-3-435 (1). Clerk of district court. A clerk of district court shall be elected.

7-3-436 (1). Treasurer/7-3-437 (5). Surveyor/7-3-439 (5). Assessor. A treasurer, a surveyor, and an assessor shall be elected as a consolidated office.

7-3-441 (1). Public administrator. A public administrator shall be elected.

We, the Study Commissioners of Ravalli County do hereby certify that this is the existing Plan of Government as established by Section 7-3-111 MCA.

In testimony whereof, we set out hands
Done at 125014 this 25th day of March 1996.

ATTEST: Betty T. Lund
Betty T. Lund, Clerk & Recorder of Ravalli County

Robert Christ
Robert Christ, Chairman

Helen Ann Bibler
Helen Ann Bibler, Member

Rosemarie Neuman
Rosemarie Neuman, Vice-Chair

Rob Johnson
Rob Johnson, Ex-officio Member

CERTIFICATE
ESTABLISHING THE DATE OF THE SPECIAL ELECTION
AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS OF
RAVALLI COUNTY

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Ravalli County at a special election to be held with the primary election on June 4, 1996.

We, the Study Commissioners of Ravalli County do hereby certify that this is the date of the special election approved by the Study Commissioners of Ravalli County.

In testimony whereof, we set our hands.

Done at 25th this day March 1996

Robert Christ
Robert Christ, Chairman

Rosemarie Neuman
Rosemarie Neuman, Vice-Chair

Helen Ann Bibler
Helen Ann Bibler, Member

Robert Johnson
Robert Johnson, Ex-officio Member
RAVALLI COUNTY STUDY COMMISSION

ATTEST: Betty T. Lund
Betty T. Lund, Ravalli County Clerk and Recorder

CERTIFICATE
ESTABLISHING THE OFFICIAL BALLOT FOR
THE JUNE 4, 1996 PRIMARY ELECTION

Instructions to voters: Place an "X" in the boxes which express your preferences.

BALLOT ON THE ALTERNATIVE FORM OF LOCAL GOVERNMENT

If the proposed form of government fails to receive a majority of the votes cast on the question, the sub-options also fail.
If the proposed form is adopted, the sub-option requires only a plurality of votes cast on the sub-option for adoption.

PLEASE VOTE ON ALL THREE ISSUES

1.

vote for one

- ___ For adoption of the Charter form of government proposed in the report of the Ravalli County Local Government Study Commission.
- ___ For the existing form of government.

2.

vote for one

Sub-option to be included in the new form of government, if the Charter is adopted. Local government election:

- ___ Shall be conducted on a partisan basis.
- ___ Shall be conducted on a non-partisan basis.

3.

vote for one

Sub-option to determine the number of county commissioners, their terms of office, and the number of districts for the new form of government, if the Charter is adopted. The board of county commissioners shall:

- ___ Consist of 3 members, elected at large, one elected from each of 3 districts, serving for 6 year overlapping terms of office.
- ___ Consist of 5 members, elected at large, one elected from each of 5 districts, serving for 4 year terms of office. Commissioners representing even-numbered districts, and commissioners representing odd-numbered districts, to be elected alternately every 2 years.

We, the Study Commissioners of Ravalli County do hereby certify that this is the official ballot approved by the Study Commission of Ravalli County.

In testimony whereof, we set our hands.

Robert Christ
Robert Christ, Chairman

Helen Ann Bibler
Helen Ann Bibler, Member

Rosemarie Neuman
Rosemarie Neuman, Vice-Chair

Robert Johnson
Robert Johnson, Ex-officio Member

ATTEST Betty T. Sund
Clerk & Recorder of Ravalli County

CERTIFICATE

FOR THE APPORTIONMENT
OF COMMISSIONER DISTRICTS

Districts described by census block with population land deviation from ideal are shown.

DISTRICT	IDEAL POPULATION	1990 POPULATION	% DEVIATION FROM IDEAL POPULATION
1	8367	7949	-5%
2	8367	8660	+3.5%
3	8367	8492	+1.5%

NOTES:

1. Ideal population is calculated by dividing the total 1990 population of Ravalli County by the number of County Commission districts (25,010/3 = 8367)
2. The 1990 population is derived from the U. S, Bureau of the Census 1990 TIGER and P.L. 94-171 Digital Data Files.

We, the Study Commission of Ravalli County do hereby certify that this is the official apportionment plan for commissioner districts approved by the Study Commission of Ravalli County.

In testimony whereof, we set our hands.

Done at Hamilton, Montana

this day 25th of March, 1996.

ATTEST: Betty T. Lund

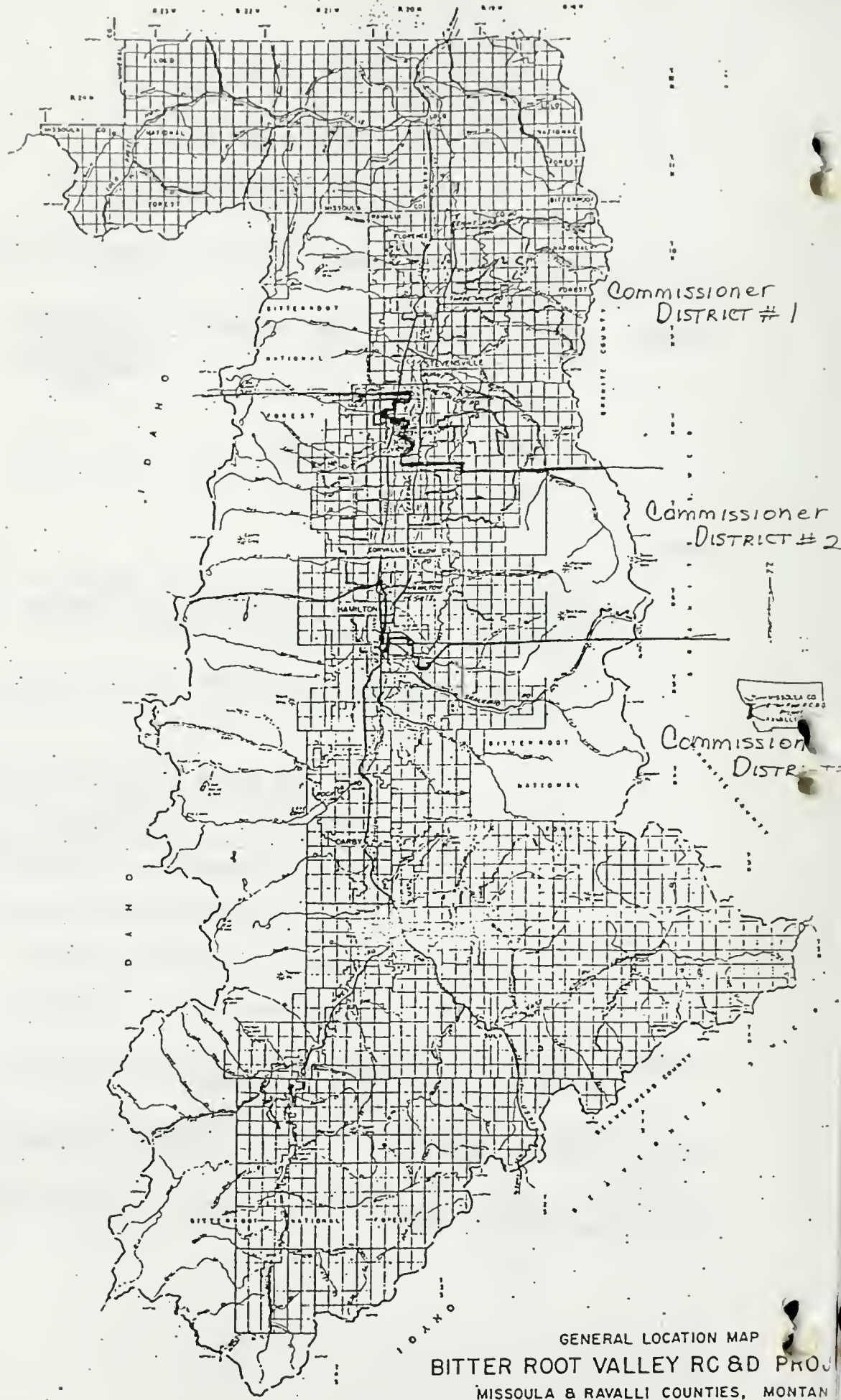
Betty T. Lund, Clerk & Recorder of Ravalli County

Robert Christ
Robert Christ, Chairman

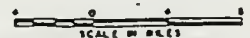
Rosemarie Neuman
Rosemarie Neuman, Vice-Chair

Helen Ann Bibler
Helen Ann Bibler, Member

Rob Johnson
Rob Johnson, Ex-officio Member



MARCH 1966



CERTIFICATE
FOR THE APPORTIONMENT
OF COMMISSIONER DISTRICTS

Districts described by census block with population land deviation from ideal are shown.

DISTRICT	IDEAL POPULATION	1990 POPULATION	% DEVIATION FROM	IDEAL
1	5000	4887	-2.25	5
2	5000	4912	-1.8	5
3	5000	5008	0	5
4	5000	5078	+1.5	5
5	5000	5115	+2.26	5

NOTES:

1. Ideal population is calculated by dividing the total 1990 population of Ravalli County by the number of County Commission districts $25,000/5 = 5000$
2. The 1990 population is derived from the U. S, Bureau of the Census 1990 TIGER and P.L. 94-171 Digital Data Files.

We, the Study Commission of Ravalli County do hereby certify that this is the official apportionment plan for commissioner districts approved by the Study Commission of Ravalli County.

In testimony whereof, we set our hands.
Done at Hamilton, Montana
this day 20th of March, 1996.

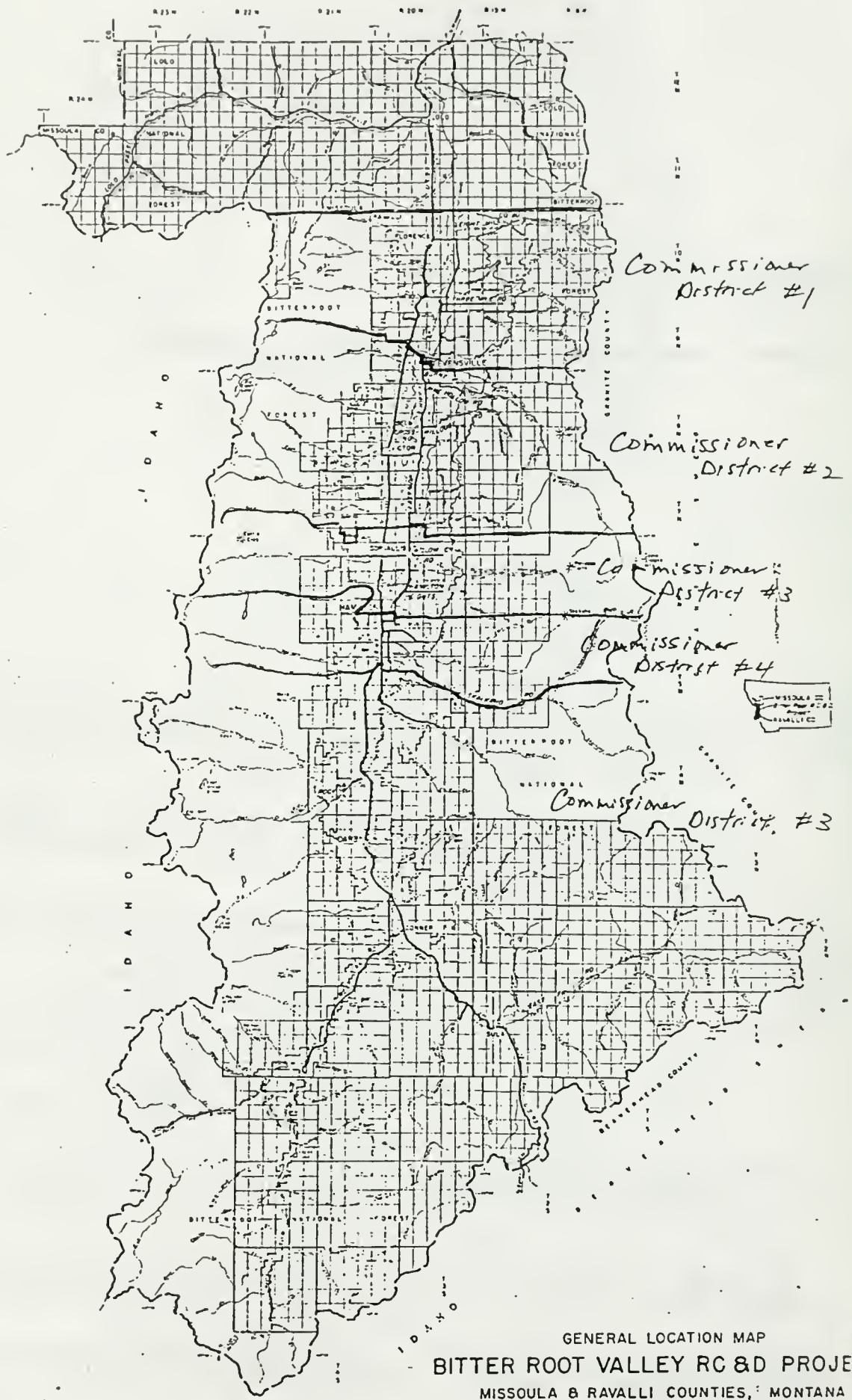
ATTEST: Betty T. Lund
Betty T. Lund, Clerk & Recorder of Ravalli County

Robert Christ
Robert Christ, Chairman

Rosemarie Neuman
Rosemarie Neuman, Vice-Chair

Helen Ann Bibler
Helen Ann Bibler, Member

Robert Johnson
Robert Johnson, Ex-officio



CERTIFICATE
ESTABLISHING THE DATE OF THE FIRST PRIMARY
AND GENERAL ELECTIONS FOR OFFICERS
OF THE NEW GOVERNMENT OF RAVALLI COUNTY
IF THE CHARTER FORM WITH FIVE COMMISSIONERS
IS APPROVED

The date of the primary election for all county commissioners of the new government of Ravalli County shall be held June, 1998.

The date of the general election for all county commissioners of the new government of Ravalli County shall be held November, 1998.

The effective date of the Charter Form of local government of Ravalli County takes effect on January 6, 1997.

We, the Study Commissioners of Ravalli County do hereby certify that this is the date of the special election approved by the Study Commissioners of Ravalli County.

In testimony whereof, we set our hands.

Done at 25th this day March 1996

Robert Christ
Robert Christ, Chairman

Rosemarie Neuman
Rosemarie Neuman, Vice-Chair

Helen Ann Bibler
Helen Ann Bibler, Member

Robert Johnson
Robert Johnson, Ex-officio Member
RAVALLI COUNTY STUDY COMMISSION

ATTEST: Betty T. Lund
Betty T. Lund, Ravalli County Clerk and Recorder



MONTANA DEPARTMENT OF COMMERCE

Local Government Assistance Division
Local Government Services-Systems Program
1424 9th Avenue PO Box 200501
Helena, MT 59620-0501

Phone: (406) 444-3010
FAX: (406) 444-9785
TDD: (406) 444-2978

April 2, 1996

STATE DOCUMENTS COLLECTION

Mr. Harold Chambers
Montana State Library
1515 E. Sixth Avenue
PO Box 201800
Helena, MT 59620-1800

APR 11 1996

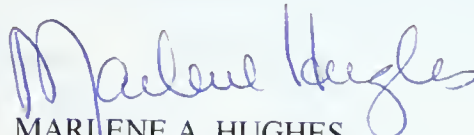
MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

Mr. Chambers:

In accordance with Section 7-3-187, MCA, local government study commissions are to file two copies of their final report with the department of commerce, local government services bureau. One of these copies is to be forwarded by the department of commerce to the state library.

Enclosed you will find a copy of the City of Red Lodge's decision regarding the 1994 study commission.

Sincerely,


MARLENE A. HUGHES
Program Specialist

Enclosure

PLEASE RETURN

RED LODGE STUDY COMMISSION

TABLE OF CONTENTS

RECEIVED
JUN 2 1966
LOCAL GOV. DEPT.
SERVICES BUREAU

- I. Letter to the Citizens
- II. Summary of Recommendations
 - A. Findings of the Study Commission
- III. Comparison of Existing Form of Government & Proposed Form of Government
 - A) Existing Form
 - B) Proposed Form
 - C) Comparison of Specific Characteristics
 - D) Recommendations & Reasons

Appendix

- Exhibit A: Certificate of Plan of Existing Form of Government
- Exhibit B: Certificate of Plan of Proposed Form of Government
- Exhibit C: Certificate Establishing Election Date
- Exhibit D: Certificate Establishing Form of Ballot
- Exhibit E: Supplementary Report

I. LETTER TO THE CITIZENS OF THE CITY OF RED LODGE

To the Citizens of the City of Red Lodge:

The Red Lodge Local Government Study Commission elected by the voters on November 8, 1994, and thereafter appointed, present this tentative report to you, the citizens of the City of Red Lodge.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state." After completing these two phases of study it is the responsibility of the study commission to submit a final report recommending no change, or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

The study commission has sought advice and information from city residents in every phase of the review. The mayor and city council members were interviewed, the city employees were interviewed, and a phone survey reaching ten percent of all city residents was conducted. An open house and public hearing was held on September 11, 1995.

Our recommendations reflect the thoughts and opinions of those who participated in the interviews, surveys, and public hearing, in addition to the independent efforts of this study commission.

In this tentative report we present our recommendations for an amendment to the present form of government that we feel will best meet the current and future needs of the residents of the City of Red Lodge. Our concern has been to provide government that will be responsive to local citizens and the changing needs of the citizens given the growth that is occurring. We feel that the citizens of Red Lodge can be best served by adopting the recommended nomination and election of council members at large.

The question of adopting this amendment under the present form of government will be placed on the ballot June 4, 1996. We solicit your consideration for its adoption.

Respectfully submitted,

Paul S. Beck

Patricia J. May

Tara Reynolds

Red Lodge City Study Commissioners

II. SUMMARY OF RECOMMENDATIONS

A. Findings of the Study Commission

After a year of study including 1. interviews with the mayor, the city council, the elected and appointed officials, the city employees; 2. random telephone survey of 10% of the city residents over 18 years of age; 3. public presentations and meetings, the study group found most were generally satisfied with the status quo and felt the current form of government was serving the citizens of Red Lodge well. While most citizens felt no need to change the form of government, there were suggestions for improvement which will be addressed in a supplementary report.

The Red Lodge City Local Government Study Commission having thoroughly studied our present form of city government and the alternative forms of government available to cities under state law, and having studied the future governmental needs of this city, recommends the following:

Red Lodge City should retain the current Commission-Executive (commonly known as the Council-Mayor) form of government.

In reference to the selection of commission members, this study group recommends the city commission be elected at large.

The question of whether commission members be elected at large or by district (ward) shall be submitted to the voters of the city on June 4, 1996.

B. Key Provisions of the Proposed Change

If the proposal is approved by the voters, three of the six council members up for reelection in 1997 would be selected and elected at large by a vote of the entire city. The following year, the remaining three council members would be elected in the same manner. Nominations from any area within the city limits would be possible for any of the council positions.

III. COMPARISON OF THE EXISTING SELECTION OF COMMISSION AND THE PROPOSED SELECTION OF COMMISSION

A. EXISTING FORM

The six council members are currently nominated two each from three wards. Council members are elected on a nonpartisan basis for two year terms. On alternating years, one council member from each ward is elected by the residents of that ward.

B. PROPOSED FORM

The six council members would be nominated from the city as a whole. Three members would be elected by the city as a whole each year to serve a two year term.

C. RECOMMENDATIONS & REASONS

Why should the commission (council) be elected at large? With the annexation of the Red Lodge Country Club Estates and the recent and anticipated continued growth to the south and north, Red Lodge City is needing to realign ward boundaries to apportion more fairly to population numbers.

In the early 1900's, district ethnic and occupational groups populated different sections of the town. Allegiance to the council members elected from each unique ward ran high. It was important for residents, some who spoke little or no English, to have someone represent their interests.

The ward system today, in a city as small as Red Lodge, has outgrown its necessity. Nearly everyone speaks English and, because of improved mass media, is aware of current events including local government proceedings. Each council member is known by and represents the interests of all city residents. The city is more homogenous, and the pressing issues concern all city residents.

CERTIFICATE

ESTABLISHING THE EXISTING PLAN OF GOVERNMENT

FOR

THE CITY OF RED LODGE

As retained by the voters, the government of Red Lodge is organized under the following provisions of MCA 7-3-113 which authorizes the municipal council-mayor form of government;

(1) For the purpose of determining the statutory basis of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, shall be governed after May 2, 1977 by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(2);
- (c) 7-3-212(2);
- (d) 7-3-213(3);
- (e) 7-3-214(2);
- (f) 7-3-215(2);
- (g) 7-3-216(2);
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- (k) 7-3-220(1);
- (l) 7-3-221(3);
- (m) 7-3-222(2);
- (n) 7-3-223(2);

(2) The term of office of elected officials shall be two (2) years.

These sections establish the following form of government which shall be called the COMMISSION-EXECUTIVE FORM.

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202(2). Nature of government. Local government shall have self-government powers.

7-3-212(2). Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213(3). Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

7-3-214(2). Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215(2). Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216(2). Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217(3). Financial officer. A financial officer (who may be called the treasurer) shall be selected as provided by ordinance.

7-3-218(2). Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219(2). Type of election. Local government elections shall be conducted on a nonpartisan basis.

7-3-220(1). Chairman of commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-221(3). Presiding officer of commission. The presiding officer of the commission shall be the executive who shall decide all tie votes of the commission, but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222(2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223(2). Size of commission and community councils. The size of the commission, which shall be a number not less than three, shall be established at six (6) and community councils to advise commissioners may be authorized by ordinance.

We, the Study Commissioners of the City of Red Lodge, do hereby certify that this is the existing Plan of Government as established by Section 7-3-113 MCA.

In testimony whereof, we set our hands.

ATTEST:

Done at _____ this 20th day of March 1996

Jeanette Furber
City Clerk of Red Lodge

Erin S. Beck
Patricia J. May
Tera Reynolds.

LOCAL GOVERNMENT STUDY COMMISSIONERS

CERTIFICATE

**ESTABLISHING THE PROPOSED AMENDMENT
TO THE EXISTING PLAN OF GOVERNMENT**

FOR

THE CITY OF RED LODGE

Upon approval of the majority of voters, the government of the city of Red Lodge shall be amended to provide for at large elections.

(a) 7-3-218(1). Selection of commission members. The commission shall be elected at large.

We, the Study Commissioners of the City of Red Lodge, do hereby certify that this is the proposed amendment to the existing Plan of Government as established by Section 7-3-113 MCA.

In testimony whereof, we set our hands.

ATTEST:

Done at _____ this 20th day of March 1996.

Janette L. Lusk
City Clerk of Red Lodge

Paul S. Beck
Patricia J. May
Tera Reynolds

LOCAL GOVERNMENT STUDY COMMISSIONERS

COMPARISON OF THE CHANGE PROPOSED

CHARACTERISTIC: Selection of council members.

PRESENT FORM OF GOVERNMENT:

Election by wards.

PROPOSED CHANGE:

Election at large.

EVALUATIVE COMMENTS:

The population make-up has become very diversified throughout the city.
More people may want to run for city council.

CERTIFICATE

**ESTABLISHING THE DATE OF THE SPECIAL ELECTION
AT WHICH THE CHANGE IN THE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS OF
THE CITY OF RED LODGE**

The change in the form of government proposed by the Local Government Study Commission shall be submitted to the voters of the City of Red Lodge at a special election to be held with the primary election on June 4, 1996.

We, the Study Commissioners of the City of Red Lodge, do hereby certify that this is the date of the special election approved by the Study Commissioners of the City of Red Lodge.

In testimony whereof, we set our hands.

ATTEST:

Done at _____ this 20th day of March 1996.

Janette Burkhardt
City Clerk of Red Lodge

Paul S. Beck
Patricia J. May
Tara Reynolds

LOCAL GOVERNMENT STUDY COMMISSIONERS

CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT FOR

THE JUNE 4, 1996 SPECIAL ELECTION

Instructions to voters: Place an " X " in the boxes which express your preferences.

OFFICIAL BALLOT

BALLOT ON THE CHANGE IN LOCAL GOVERNMENT

1.

Vote for One.

- ☐ For adoption of the amendment to the existing plan of government providing for at large elections of council members proposed by the Red Lodge Local Government Study Commission.
- ☐ For the existing form of government with council members elected from wards.

We, the Study Commissioners of the City of Red Lodge, do hereby certify that this is official ballot approved by the Study Commissioners of the City of Red Lodge.

In testimony whereof, we set our hands.

ATTEST:

Done at _____ this 20th day of March 1996.

Leanne L. Lusk
City Clerk of Red Lodge

Paul S Beck
Patricia J. May
Tara Reynolds

LOCAL GOVERNMENT STUDY COMMISSIONERS

**SUPPLEMENTARY REPORT
TO THE CITY OF RED LODGE**
March 1996

The Red Lodge Study Commission has spent 18 months studying the local government. During that time elected officials and City employees were interviewed. The City budget was examined. Citizens were surveyed. Civic organizations were spoken to. The form of government was studied and compared with others allowed by Montana statute. The following findings of the Study Commission are recommendations which do not require a change in the form of government, but which we believe could improve the delivery of services for the City.

Council members reported that when first elected, their responsibilities and duties were not clear. As a result of the lack of an orientation and reference materials, the down-time and transition period is prolonged. In addition, the lack of a central area for references makes it more difficult for members of the public to access information about ordinances and other matters which may be of interest to them.

The City has no personnel manual. Without a personnel manual, employees may be unclear about their duties, and the City has no legal basis for correcting performance problems or terminating an employee. Most City employees and council members expressed a need to have a personnel manual so that duties are clear to employees, supervisors, and the mayor and council.

The Commission has a number of concerns about the delivery of police services including; the adequacy of training, equipment, and salaries. The Police Department has experienced, and continues to experience significant turnover of officers (1-2 per year). This pattern of recruiting and providing training for officers who then leave for higher paying jobs does not appear to be cost-effective. Emergency dispatch and jail facilities are already coordinated with Carbon County. Both City employees and the public commented on the benefits which might be obtained from consolidation of City and County law enforcement services.

Recommendations:

- 1) The Study Commission recommends that an orientation be developed for new council members, and that a small library area to house reference materials be designated.

- 2) The Study Commission recommends that the City develop a personnel manual.
- 3) The Study Commission recommends that the City conduct a review of the Police Department (training, equipment, and salaries), and investigate consolidation of law enforcement services with Carbon County.

Paul S. Beck

Patricia J. May

Tara Reynolds



MONTANA DEPARTMENT OF ADMINISTRATION

Local Government Services Bureau-Systems Program

301 South Park Avenue Room 340
PO Box 200547
Helena, MT 59620-0547

Phone: (406) 841-2909
FAX: (406) 841-2910
TDD: (406) 444-1421

March 16, 2006

Montana State Library
1515 E Sixth Avenue
Helena, MT 59620-1800

RE: Local Government Study Commission Reports

As required in 7-3-187, MCA, we are required to forward to the State Library a copy of the final reports of local government study commissions that we receive in our office. Enclosed is a copy of the Town of Red Lodge's 2004 Local Government Study Commissions report for your files.

Sincerely,


Jere D. Hoy
Information Systems Technician
Local Government Services

Bureau/Systems

841-2909

Enclosure

Contact: James Kammerer – 444-5432
State Library

**FINAL REPORT OF
RED LODGE LOCAL GOVERNMENT STUDY
REVIEW COMMISSION**

RECEIVED

MAR 16 2006

**ADMINISTRATION
LOCAL GOVERNMENT
SERVICES BUREAU**

FINAL REPORT

TABLE OF CONTENTS

- I. LETTER TO THE CITIZENS OF RED LODGE**
- II. FINDINGS OF THE STUDY COMMISSION.**
- III. SUMMARY OF RECOMMENDATIONS.**
- IV. DISCUSSION OF RECOMMENDATIONS.**

I. LETTER TO THE CITIZENS OF RED LODGE

To the Citizens of Red Lodge:

The Red Lodge Local Government Study Commission, elected by the voters on November 2, 2004, and thereafter appointed, present this final report to you, the citizens of the city of Red Lodge.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of a local government and procedures for delivery of local government services and compare them with other forms available under the laws of the state."

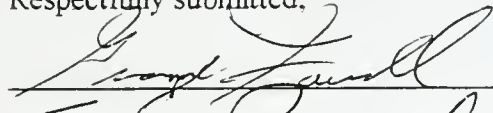
While we will not be dealing with the existing form of government, we will be dealing with the procedures for delivery of local government services.

The study commission has sought advice and information from city residents in every phase of the review. The mayor and city council members were interviewed, the city employees were interviewed, and a mail survey of almost two thousand residents was conducted.

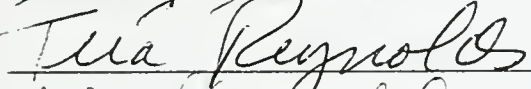
Our recommendations reflect the thoughts and opinions of those who participated in the reviews and surveys, in addition to the independent efforts of this study commission.

In this tentative report, we present our recommendations of a better understanding between the local government and the citizens of the city of Red Lodge.

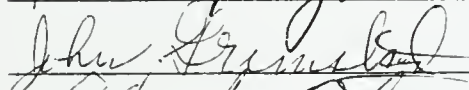
Respectfully submitted,



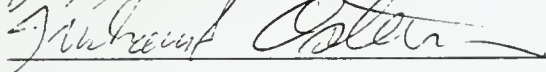
George Farrell



Tera Reynolds



John Grimstad



Richard Osterman

II. FINDINGS OF THE STUDY COMMISSION

After a study of one year, it is the decision of the study commission to recommend changes in how local government is conducted.

Problem areas that were identified during the course of the study, research, discussion, testimony of public officials and a citizen survey indicate that some changes should be made by the local government.

A list of these recommendations can be found in Section III, sub headings "A" through "H".

III. SUMMARY OF RECOMMENDATIONS

- A. More responsiveness to the needs of the citizens.
- B. Business owners representation and less subjectivity by the local government.
- C. Less aloofness of the council.
- D. More contact and better communication with law enforcement.
- E. Public works should address maintenance problems.
- F. Minor changes in city government.
- G. Some changes in recreational activities.
- H. Member at large.

These recommendations will be discussed, in more detail, in the final report of the study commission.

Respectfully submitted,

The Red Lodge Local Government Review Commission

IV. DISCUSSION OF RECOMMENDATIONS.

A. RESPONSIVENESS OF CITY GOVERNMENT.

In general, the citizenry felt the city council was unresponsive to their needs. This included lack of enforcement of building and zoning codes to animal control and everything in between.

The commission understands it is impossible to satisfy one hundred percent of the complainants but they should at least listen to each individual with an open mind and not dismiss them out of hand.

B - C. BUSINESS OWNERS REPRESENTATION AND LESS SUBJECTIVITY BY THE LOCAL GOVERNMENT - LESS ALOOFNESS OF THE COUNCIL.

People feel if you are a large developer or moneyed interest, you will be dealt with fairly.

Business owners, living outside the city limits, have no representation.

The commission recommends the city council act less subjectively and treat all citizens with fairness and respect.

We also feel business owners, living outside the city limits, be given some type of representation, perhaps by enacting an ordinance allowing them to serve on the various local boards.

D. LAW ENFORCEMENT -

Most citizens believe law enforcement is adequate, however, it is not sufficient.

The commission recommends a higher visibility - more foot patrols, especially now with gasoline prices at an all time high. There should be more walking and less riding. Also more attention should be placed on the community's drug problem, especially METHAMPHETAMINES.

The commission also recommends the council look into the feasibility of combining the local Police Department with the Sheriff's Department. Hopefully, this would be a cost savings by cutting back the amount of uniformed officers to patrol the city.

E. PUBLIC WORKS -

Instead of listing complaints, of which there are many, we will just recommend that the Department of Public Works try to do a better job than what they are doing at the present time.

F. CITY GOVERNMENT CHANGES -

We recommend the city council look into the feasibility of having the Mayor's election held during the General Election, instead of in an off year.

We recommend three-year terms for council persons instead of two because it takes about a year to become acclimated in their position.

G. RECREATIONAL ACTIVITIES -

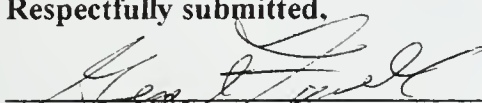
The only recommendation we would make is for better care and maintenance of the existing facilities..

H. AT LARGE COUNCIL MEMBER -

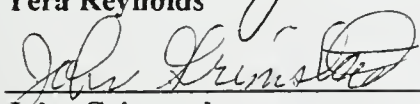
We recommend the city council look into the possibility of having an At Large member. This would require the council to have a quorum of five members, there by eliminating any tie votes.

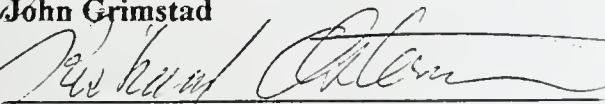
The aforementioned recommendations were made as a result of the general consensus of the citizens of the city of Red Lodge and of the Mayor, Council Members and City Employees. We extend our deepest gratitude to all of the above.

Respectfully submitted,


George Farrell


Tera Reynolds


John Grimstad


Richard Osterman



MONTANA DEPARTMENT OF COMMERCE

Local Government Assistance Division
Local Government Services-Systems Program

1424 9th Avenue PO Box 200501
Helena, MT 59620-0501

Phone: (406) 444-3010
FAX: (406) 444-9785
TDD: (406) 444-2978

March 6, 1996

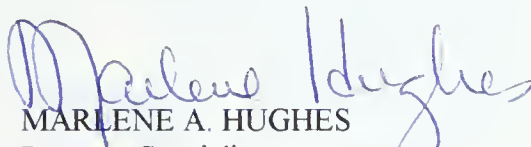
Mr. Harold Chambers
Montana State Library
1515 E. Sixth Avenue
PO Box 201800
Helena, MT 59620-1800

Mr. Chambers:

In accordance with Section 7-3-187, MCA, local government study commissions are to file two copies of their final report with the department of commerce, local government services bureau. One of these copies is to be forwarded by the department of commerce to the state library.

Enclosed you will find a copy of the Town of **Rexford's** decision regarding the 1994 study commission.

Sincerely,


MARLENE A. HUGHES
Program Specialist

Enclosure

REXFORD STUDY COMMISSION

Consensus of the Rexford Study Commission came from the first public meeting. The Study Commission presented several options to the public. Attendees from the community stated they were not dissatisfied with the type of government. The problem was not enough people were interested in filling the council positions in the two wards. The public felt only one ward was needed with the council persons selected from the town at large.

The Study Commission is recommending: 1) three council members at large and a mayor; 2) the term shall be four years; and 3) the council members and mayor complete the terms as voted by the public. (two councilpersons at one election (1995) and one council person and mayor in another election (1997). Positions to continue on a staggered basis.

The current type of government is a mayor at large and four council persons (two from two wards) and all on four year terms.

To be published May 23, 1996 and May 30, 1996 in the Tobacco Valley News, Eureka, Montana.

RECEIVED

LOCAL GOVERNMENT
SERVICES BUREAU

2-29-96

Maureen M. Garspi
Leo O. Brown
Rick Hays

REXFORD STUDY COMMISSION

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2-29-96

Marilyn McKenzie
Richard Payton
Leo O'Brien

CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR THE
TOWN OF REXFORD, MONTANA

If retained by the voters, the government of Rexford shall remain organized under the following provisions of 7-3-113, M.C.A. which authorizes the municipal council-mayor form of government.

7-3-113. Statutory basis for municipal council-mayor government.

(1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections:

- (a) 7-3-201;
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- (n) 7-3-222(2);
- (o) 7-3-223(2).

done by authority of 7-4-4103(4) M.C.A.

authorized by Council Resolution.

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

These sections establish the following form of government which shall be called the COMMISSION-EXECUTIVE FORM.

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-203. Duties of the executive. The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission;
- (11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

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7-3-222. Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223. Size of commission and community councils. The size of the commission shall be four (4), and community councils to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials shall be four (4) years.

We, the Study Commissioners of the Town of Rexford do hereby certify that this is the existing Plan of Government as established by Section 7-3-113 M.C.A.

SEAL

In testimony whereof, we set our hands.

Done at Rexford, Montana this 29 day of Feb, 1996.

ATTEST:

Claudia Evans
Claudia Evans, Town Clerk

Leo O'Brien
Leo O'Brien

Marilyn McKenzie
Marilyn McKenzie

Richard Payton
Richard Payton

CERTIFICATE
ESTABLISHING THE AMENDED PLAN OF GOVERNMENT
FOR THE
TOWN OF REXFORD, MONTANA

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done by authority of 7-4-4103(4) M.C.A.

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- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission;
- (11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-212. Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213. Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

7-3-214. Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215. Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217. Financial officer. A financial officer (who may be called the treasurer) shall be appointed by the executive with the consent of the council.

7-3-218. Selection of commission members. The commission shall be elected at large.

7-3-219. Type of election. Local government elections shall be conducted on a nonpartisan basis.

7-3-220. Chairman of commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established

by ordinance.

7-3-221. Presiding officer of the commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222. Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223. Size of commission and community councils. The size of the commission shall be three (3), and community councils to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials shall be four (4) years.

SEAL

We, the Study Commissioners of the Town of Rexford do hereby certify that this is the existing Plan of Government as established by Section 7-3-113 M.C.A.

In testimony whereof, we set our hands.

Done at Rexford, Montana this 29 day of Feb, 1996.

ATTEST:

Claudia Evans

Claudia Evans, Town Clerk

Leo O'Brien

Leo O'Brien

Marilyn McKenzie

Marilyn McKenzie

Richard Payton

Richard Payton

CERTIFICATE

ESTABLISHING THE DATE OF THE SPECIAL ELECTION

AT WHICH THE AMENDED FORM OF GOVERNMENT

SHALL BE PRESENTED TO THE ELECTORS OF

REXFORD, MONTANA

The amended form of government proposed by the Rexford Local Government Study Commission shall be submitted to the voters of Rexford at a special election to be held with the primary election on June 4, 1996.

We, the Study Commissioners of the Town of Rexford do hereby certify that this is the date of the special election approved by the Rexford Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Rexford, Montana this 29 day of Feb, 1996.

ATTEST: Claudia Evans

Claudia Evans, Town Clerk

Leo O'Brien

Leo O'Brien

Marilyn McKenzie

Marilyn McKenzie

Richard Payton

Richard Payton

CERTIFICATE
ESTABLISHING THE OFFICIAL BALLOT FOR
THE JUNE 4, 1996 SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT

BALLOT ON THE AMENDED FORM OF GOVERNMENT

Vote for One.

- ☐ FOR adoption of the amendments to elect council members at large and reduce the number of council members from 4 to 3 to the commission-executive plan of government proposed for Rexford proposed by the Rexford Local Government Study Commission.
- ☐ FOR the existing form of government with districted elections and 4 council members.

We, the Study Commissioners of the Town of Rexford do hereby certify that this is the official ballot approved by the Rexford Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Rexford, Montana this 29 day of Feb, 1996.

ATTEST: Claudia Evans
Claudia Evans, Town Clerk

Leo O'Brien
Leo O'Brien

Marilyn McKenzie
Marilyn McKenzie

Richard Payton
Richard Payton

TOWN OF REXFORD
COMPARISON OF SPECIFIC CHARACTERISTICS OF THE
MAYOR-COUNCIL AND AMENDED MAYOR-COUNCIL FORM OF GOVERNMENT

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED AMENDED FORM OF GOVERNMENT	COMMENTS
FORM OF GOVERNMENT	MAYOR-COUNCIL Elected council performs policy making functions. Elected mayor administers government with the advise and consent of the council.	MAYOR-COUNCIL Elected council performs policy making functions. Elected mayor administers government with the advise and consent of the council	No change
POWERS	General government powers	General government powers	No change
GOVERNING BODY	Council and mayor responsible for all legislative, executive and administrative functions.	Council and mayor responsible for all legislative, executive and administrative functions.	No change
Size	4 council members elected from two wards and mayor elected at large in nonpartisan elections.	3 council members and the mayor elected at large in nonpartisan elections.	Number of council members reduced from four to three. Council members elected at large instead of from wards. Candidates for office may live anywhere in the community and will tend to represent the community as a whole rather than their ward.
Term	Four year overlapping terms	Four year overlapping terms	No change
Presiding Officer	Mayor	Mayor	No change



MONTANA DEPARTMENT OF COMMERCE

Local Government Assistance Division
Local Government Services-Systems Program
1424 9th Avenue PO Box 200501
Helena, MT 59620-0501

Phone: (406) 444-3010
FAX: (406) 444-9785
TDD: (406) 444-2978

September 24, 1996

Mr. Harold Chambers
Montana State Library
1515 E. Sixth Avenue
PO Box 201800
Helena, MT 59620-1800

STATE DOCUMENTS COLLECTION

OCT 1 1996

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

Mr. Chambers:

In accordance with Section 7-3-187, MCA, local government study commissions are to file two copies of their final report with the department of commerce, local government services bureau. One of these copies is to be forwarded by the department of commerce to the state library.

Enclosed you will find **final** copies of the Town of Choteau, and **Richland County's** decision regarding the 1994 study commission.

I do have one question, do you have these in a file in the library so that if someone was to want to look up the information on study commissions they would have easy access to these files?

Sincerely,



MARLENE A. HUGHES
Program Specialist
444-1458

Enclosure

PLEASE RETURN

Reel
a/k/a
August 22, 1996

Letter to the Citizens of Richland County:

The Richland County Study Commission, elected by the voters on November 8, 1994, present the final report to the citizens of Richland County.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state."

The commission has sought advice and information from present and past elected officials as well as from similar forms of governments as our present form and that of the proposed form. The commission has appeared before various community organizations, other elected bodies and to the government classes of county schools. Public meetings were held and viewpoints, ideas and concerns were solicited.

In this final report we present our recommendations for an alternative form of government that we feel will provide the governmental services expected by the people both today and in the future. Our concern has been to provide a form of government that will be responsive to local citizens and provide the opportunity for devising solutions to local problems. we feel the citizens of Richland County can achieve these goals by adopting the Commission-Manager form of government, with self-governing powers.

After an intensive study of almost two years, it is the decision of the study commission to recommend changes in the structure and power of county government that will provide a governmental framework to meet the changing needs of this county. Problem areas that were identified during the course of the study by research, discussion, public hearings, testimony of public officials, and citizen surveys indicate that in exercising its traditional functions, county government lacks the authority it needs. If county government is to play a wider role it must have adequate legal authority to act. County government must also have more control over its organizational structure so that it can effectively oversee the performance of county functions.

The following areas of concern have emerged during almost two years of study, meetings and solicited input.

1. Local control over local problems.
2. Government that is responsive to citizens.
3. Government that is efficient.
4. Government structure that allows maximum participation by citizens.
5. Government with adequate "checks and balances."
6. Government that allows for long term planning and organized development.

In its traditional role as an administrative arm of state government, the organizational structure of the county may have been adequate. The current structure of ten separate elective offices and a three member elected commission has weaknesses that do not allow it to adequately handle the increased responsibility facing county government. The existing county commission lacks the authority to determine county wide needs, priorities and set policies. The existing

government lacks an administrative head, a person responsible for supervising the functions and services provided by county government to see that the goals of the county are carried out as efficiently as possible. At present, these functions and services are provided by ten separate offices and twenty-two (22) boards, commissions, and special districts. No one in county government has the authority to coordinate these offices and boards or to supervise their programs. Many are substantially independent of any control.

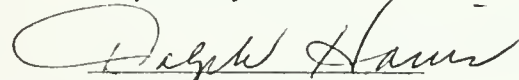
In the proposed form of government a commission of five members will act as a legislative body with the power to formulate county policy. The commissioners will have the authority to enact ordinances to carry out that policy. The responsibility of administering and enforcing these ordinances lies with the county manager.

The county manager, a professional administrator appointed by the commission "on the basis of merit only", is responsible for the administration of the programs and policies determined by the commission. Subject to the commission's general direction, the manager controls the hiring and firing of county personnel, directs and supervises the administration of all departments, prepares the budget, and is in charge of the business affairs of county government. The manager serves at the pleasure of the commission and may be replaced at any time.

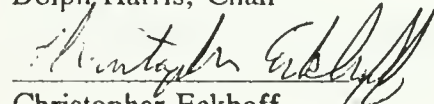
Creating a commission of five (5) members, elected from five (5) districts, districts established by area population, will assure the opportunity for individual representation with county wide perspectives.

The question of adopting this alternative form of government will be placed on the ballot November 5, 1996. We solicit your support for its adoption.

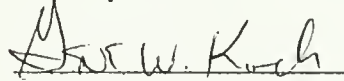
Respectfully submitted,



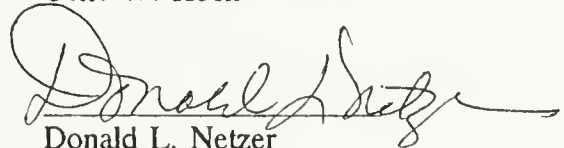
Dolph Harris, Chair



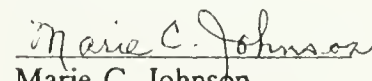
Christopher Eckhoff



Gene W. Koch



Donald L. Netzer



Marie C. Johnson

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CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR
RICHLAND COUNTY, MONTANA

If retained by the voters, the government of Richland County shall be organized under the following provisions of MCA 7-3-111 which authorizes the elected county official form of government;

7-3-111. Statutory basis for elected county official government. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(3);
- (d) 7-3-413(1);
- (e) 7-3-414(1);
- (f) 7-3-415(2);
- (g) 7-3-416(2);
- (h) 7-3-417(2);
- (i) 7-3-418;
- (j) 7-3-432(1);
- (k) 7-3-433(1);
- (l) 7-3-434(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1);
- (o) 7-3-437(1);
- (p) 7-3-438(1);
- (q) 7-3-439(6);
- (r) 7-3-440(1);
- (s) 7-3-441(6);
- (t) 7-3-442(6) if the county has not elected an auditor;

(2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

These sections establish the following form of government which shall be called the COMMISSION FORM.

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall

appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-412 (3). Selection of commission members. The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominated candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

7-3-413 (1). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-414 (1). Chairman of commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415 (2). Administrative assistants. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416 (2). Terms of the commission members. Commission members shall be elected for overlapping terms of office.

7-3-417 (2). Size of commission and community councils. The size of the commission, shall be three, and community councils to advise commissioners may be authorized by ordinance.

7-3-418. Terms of elected officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

7-3-432 (1). Legal officer. A legal officer (who may be called the county attorney) shall be elected.

7-3-433 (1). Law enforcement officer. A law enforcement officer (who may be called the sheriff) shall be elected.

7-3-434 (1). Clerk and recorder. A clerk and recorder shall be elected.

7-3-435 (1). Clerk of district court. A clerk of district court shall be elected.

7-3-436 (1). Treasurer. A treasurer shall be elected.

7-3-437 (1). Surveyor. A surveyor shall be elected.

7-3-438 (1). **Superintendent of schools.** A superintendent of schools shall be elected.

7-3-439 (6). **Assessor.** An assessor shall not be included in this form as a separate office.

7-3-440 (1). **Coroner.** A coroner shall be elected.

7-3-441 (6). **Public administrator.** A public administrator shall not be included in this form as a separate office.

7-3-442 (1). **Auditor.** An auditor shall be elected if the county has elected an auditor.

7-3-442 (6). **Auditor.** An auditor shall not be included in this form as a separate office.

We, the Study Commissioners of Richland County do hereby certify that this is the existing Plan of Government as established by Section 7-3-111 MCA.

SEAL

In testimony whereof, we set our hands.

Done at Sidney this 32 day of August, 1996.

ATTEST: Elmina J. Cook
Elmina J. Cook, Clerk & Recorder

Dolph Harris
Dolph Harris, Chair

Christopher Eckhoff
Christopher Eckhoff

Gene W. Koch
Gene W. Koch

Donald L. Netzer
Donald L. Netzer

Marie C. Johnson
Marie C. Johnson

**CERTIFICATE OF THE PROPOSED
CHARTER
OF
THE COUNTY OF RICHLAND**

PREAMBLE

WE, THE CITIZENS OF RICHLAND COUNTY, STATE OF MONTANA, maintain a vision of the future that will continually take into account the welfare of our people in the present day and for generations to come. This charter is the framing of that vision. We are grateful for our heritage, thankful for the present, and preparing for the future. With the adoption of this document, we take into hand self-governing powers with respect to the health, safety and welfare of all our citizens, as provided by Article XI, Section 5 of the Constitution of Montana.

**ARTICLE I
POWERS OF THE COUNTY**

Section 1.01 Powers of Richland County

Richland County shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

The powers of this self-government unit shall be broadly construed. Every reasonable doubt as to the existence of a county power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Restrictions

The mill levy shall be limited to that of Montana county governments with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special county election.

Section 1.04 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

Section 1.05 Oath of Office

Before entering upon the duties of office, all elected county officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

**ARTICLE II
LEGISLATIVE BRANCH**

Section 2.01 County Commission

The elected legislative body of Richland County shall be the board of county commissioners.

Section 2.02 Governing Body

The governing body of Richland County shall be the board of county commissioners which may be called the county commission or the commission.

Section 2.03 Composition

Richland County shall have a county commission of five (5) members who shall serve on a part time basis.

Section 2.04 Qualifications for Office

Every resident of Richland County who is 18 years of age or older and a citizen of Montana is eligible to hold the office of commissioner. Commissioners shall reside in the district they represent for a period of two (2) years prior to taking office. Commissioners moving out of their district after taking office, shall be allowed to complete their term.

Section 2.05 Term of Office

Members of the commission shall be elected for six (6) year overlapping terms of office.

Section 2.06 Election

1. Commissioners shall be elected on a non partisan basis.
2. The Commissioners shall be elected at large from five (5) districts in which candidates must reside and which are apportioned by area and population.

Section 2.07 Division of the County into Commissioner Districts

Following each decennial federal census, the board of county commissioners shall divide the county into five commissioner districts, as compact and equal in population and area as possible.

Section 2.08 Vacancy in Office

The office of commissioner under this Charter becomes vacant as prescribed by law.

Section 2.09 Removal from Office

A commissioner may be removed from office by:

1. A finding, adopted by the affirmative vote of three (3) commissioners, that the office has become vacant as prescribed by law; or
2. Recall of the commissioner by the electors of Richland County, as prescribed by law.

Section 2.10 Filling a Vacancy on Commission

When a vacancy occurs in the office of commissioner, the position shall be considered open and subject to nomination and election at the next general county election in the same manner as the election

of any other person holding the same office, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the commission shall, by the affirmative vote of three (3) members of the commission, appoint a person within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 2.11 Chairman of the Commission and Presiding Officer

The commission shall have a chairman of the commission who shall be elected by the members of the commission from their own number for a term established by resolution. The chairman of the commission shall be the presiding officer of the commission. In the absence of the chairman, the commission shall designate one of their number to serve as presiding officer.

Section 2.12 Powers and Duties

1. The Commission shall be the legislative and policy determining body of the county. All powers of the county shall be vested in the county commission except as otherwise provided by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the county by law.
2. All members of boards, other than temporary advisory committees established by the manager, shall be appointed by the commission.
3. The commission shall exercise its governing power through the adoption of ordinances and resolutions.

Section 2.13 Legislative Action

The affirmative vote of three (3) members of the commission shall be required for all official actions of the commission. A minimum of three (3) commission members must be present when official actions are taken by the commission.

Section 2.14 Procedure

The commission shall establish its rules of procedure and time and place of meetings by resolution.

Section 2.15 Compensation

The compensation of commission members shall be set by resolution of the commission.

ARTICLE III ELECTED COUNTY OFFICERS

Section 3.01 Other Elected County Officers

The county attorney and sheriff, who shall have the powers and duties prescribed by law, shall be elected on a non partisan basis for four (4) year terms of office.

Section 3.02 Qualifications for Office

Qualifications for the offices of county attorney and sheriff shall be as prescribed by law.

Section 3.03 Vacancy in Office

The offices of county attorney and sheriff become vacant as prescribed by law.

Section 3.04 Removal from Office

An elected County Officer maybe removed from office by:

1. A finding, adopted by the affirmative vote of three (3) commissioners, that the office has become vacant as prescribed by law; or
2. Recall of the elected County Officer by the electors of Richland County, as prescribed by law.

Section 3.05 Filling Vacancy of Elected County Officers

When a vacancy occurs in the office of an elected County Officer, the position shall be considered open and subject to nomination and election at the next general county election in the same manner as the election of any other person holding the same office, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the commission shall, by the affirmative vote of three (3) members of the commission, appoint a person within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 3.06 Compensation

The compensation of elected County Officers shall be set by resolution of the commission.

ARTICLE IV EXECUTIVE

Section 4.01 The Manager

The manager shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by the affirmative vote of three (3) members of the commission.

Section 4.02 Duties of the Manager

The manager shall:

1. enforce laws, Charter, ordinances, and resolutions;
2. perform the duties required of him by law, Charter, ordinance, or resolution;
3. administer the affairs of the local government;
4. direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance or this Charter;
5. carry out policies established by the commission;
6. prepare the commission agenda;

7. recommend measures to the commission;
8. report to the commission on the affairs and financial condition of the local government;
9. execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
10. report to the commission as the commission may require;
11. attend commission meetings and may take part in the discussion, but may not vote;
12. prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
13. appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance or this Charter;
14. appoint members of temporary advisory committees established by the manager.

Section 4.03 Administrative Duties

Employees appointed by the manager and his or her subordinates shall be administratively responsible to the manager. Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of his or her subordinates are empowered to appoint. Except for the purpose of inquiry or investigation under this Charter, the commission or its members shall deal with the county government employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

Section 4.04 Compensation

The compensation of the manager and all department heads shall be set by resolution of the county commission.

ARTICLE V JUDICIAL

Section 5.01 County Court

There shall be such county courts as are provided by law.

ARTICLE VI DEPARTMENT STRUCTURE

Section 6.01 Organization of Departments

The organization of county departments shall be prescribed by ordinance.

ARTICLE VII GENERAL PROVISIONS

Section 7.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 7.02 Effective Date

This Charter shall become effective on January 2, 1998.

Section 7.03 Recall

Elected officials may be recalled by the qualified electors of Richland County as provided by law. No elected official may be recalled for performing mandatory duty of the office or for not performing any act that, if performed, would subject him or her to prosecution for official misconduct.

Section 7.04 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE VIII TRANSITIONAL PROVISIONS

Section 8.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The commission may provide for such transition by ordinance, rule or resolution not inconsistent with law. The provisions of this transition article shall not be published as part of the Charter after January 3, 2000.

Section 8.02 Initial Term of Office

Those Commissioners elected at the General Election of November 4, 1997 will decide by lot those Commissioners to serve as follows: one (1) for a 1-year term; two (2) for 3 years; and two (2) for 5 years.

Section 8.03 Continuation in Office

Those elected officials, other than County Commissioners, County Sheriff, and County Attorney, holding office at the time this Charter is adopted become employees of Richland County, continuing in the performance of their existing duties and in accordance with the ordinances and resolutions as adopted by the commission.

Section 8.04 Review of Existing Ordinances

All county ordinances, resolutions and rules of Richland County shall remain in effect until reviewed, revised or repealed by the county commission. The county commission shall review and, where necessary, revise or repeal all county ordinances and resolutions to provide for compliance and consistency with this Charter and law no later than January 3, 2000.

We, the Study Commission of Richland County do hereby certify that this is the proposed plan of government approved by the Study Commission of Richland County.

SEAL

In testimony whereof, we set our hands.

Done at Sidney this 22 day of August 1996.

ATTEST: Elmina J. Cook
Elmina J. Cook, Richland County Clerk

Gene W. Koch
Gene W. Koch

Donald L. Netzer
Donald L. Netzer

Christopher Eckhoff
Christopher Eckhoff

Dolph M. Harris
Dolph M. Harris

Marie C. Johnson
Marie C. Johnson

RICHLAND COUNTY
COMPARISON OF SPECIFIC CHARACTERISTICS
OF THE COMMISSION FORM AND CHARTER WITH A MANAGER FORM OF GOVERNMENT

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Form of Government	COMMISSION FORM Merges legislative, administrative and executive functions in commission.	CHARTER WITH MANAGER Elected commission determines policy. Manager hired to administer policy.	Separation of legislative and administrative responsibilities. Manager appointed on basis of qualifications.
Powers	GENERAL GOVERNMENT POWERS State law defines what government may do and specifically how it shall do it. Little power to pass ordinances.	SELF-GOVERNMENT POWERS County government shall exercise any power which the state does not deny. Legislative power is vested in the Commission.	Self-government powers bring to the county the power to act in its own best interest, and flexibility in shaping government structure. A charter would allow Richland County to govern itself more independently of the state government.
Governing Body Size	3 commissioners nominated by district, elected at-large.	5 part time commissioners nominated by district, elected at large.	Nomination by district and increasing the size of the commission assures representation on the commission from all sections of the county.
Election	Partisan.	Nonpartisan.	Local government issues are usually nonpartisan. Commission can concentrate on efficient delivery of services.
Term	6 year overlapping terms.	6 year overlapping terms.	No change.
Presiding Officer Duties	Chairman--Elected from own members. Commission is responsible for executive and many administrative functions. Administrative powers are shared with other elected officials.	Chairman--Elected from own members. Commission is the legislative policy making body. Hires a full time manager to administer those departments not having an elected head.	No change. Frees part time commission from administration responsibilities to concentrate on policy-making role and future goals.
Other Elected Officials	8 elected officials: Clerk & Recorder County Attorney Sheriff Coroner Treasurer Superintendent of Schools Clerk of District Court Public Administrator	2 elected officials: County Attorney Sheriff	Independent offices except for county attorney and sheriff are brought under the supervision of the manager. Qualifications for office can be established.

RICHLAND COUNTY
COMPARISON OF SPECIFIC CHARACTERISTICS
OF THE COMMISSION FORM AND CHARTER WITH A MANAGER FORM OF GOVERNMENT

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
Chief Administrative Officer	None. Administrative responsibility shared by commissioners, elected officials, and various boards.	COUNTY MANAGER Directs and supervises the administration of all departments other than county attorney and sheriff.	Better overall coordination is possible. Clearer lines of authority and responsibility. Provides for administration of county government by a skilled and experienced specialist on a day-to-day basis. Administrator is accountable to elected commissioners.
Appointment Powers	Commission appoints department heads not elected, members of boards, special districts.	COMMISSION: Appoints and removes County Manager, members of boards. COUNTY MANAGER: Appoints and removes all non elected department heads and employees.	Non elected department heads responsible to County Manager. Members of boards continue to be appointed by the county commission. Provides uniform hiring and removal practices in compliance with state and federal laws.
Budget Preparation	Clerk & Recorder prepares budget with officials and departments. Modified and/or approved by commission.	Manager prepares budget. Commission modifies and/or approves.	Manager can balance priorities set by commission with available county-wide resources, also balance needs of individual departments with overall needs and resources of county. Budget finally approved by the commission.
Service Delivery Structure	Performed by elected offices and appointed boards, commissions and special districts.	County activities could be grouped into fewer departments on basis of function. Services performed by departments under supervision of county manager.	Most functions will be brought under supervision of a professional manager under commission control.

CERTIFICATE
FOR THE APPORTIONMENT
OF COMMISSIONER DISTRICTS

Districts described by census block with population and deviation from ideal are shown.

DISTRICT	1990 POPULATION	% DEVIATION FROM IDEAL POPULATION
1	2225	.04
2	2100	.02
3	2214	.033
4	1984	.07
5	2193	.02

NOTES:

1. Ideal population is calculated by dividing the total 1990 population of Richland County by the number of districts
(10,716/5 = 2,143)

2. The 1990 population is derived from the U.S. Bureau of the Census and P.L. 94-171 Data Files.

We, the Study Commissioners of Richland County do hereby certify that this is the official apportionment plan for commission districts of Richland County, Montana approved by the Richland County Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Sidney, Montana this 22 day of August, 1996.

ATTEST: Elmina J. Cook
Elmina J. Cook, Clerk & Recorder

Dolph M. Harris
Dolph M. Harris, Chairman

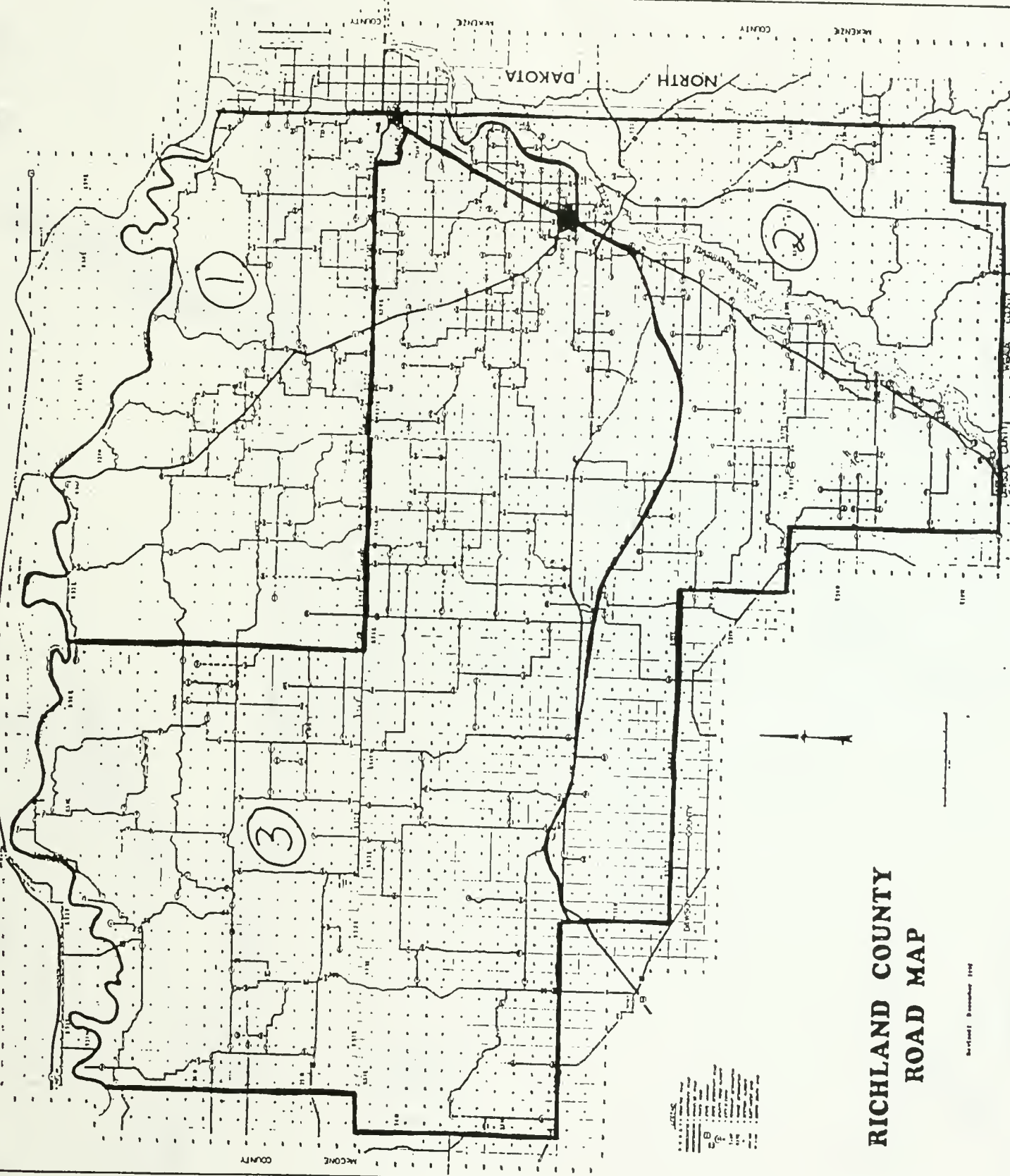
Christopher Eckhoff
Christopher Eckhoff

Gene W. Koch
Gene W. Koch

Donald L. Netzer
Donald L. Netzer

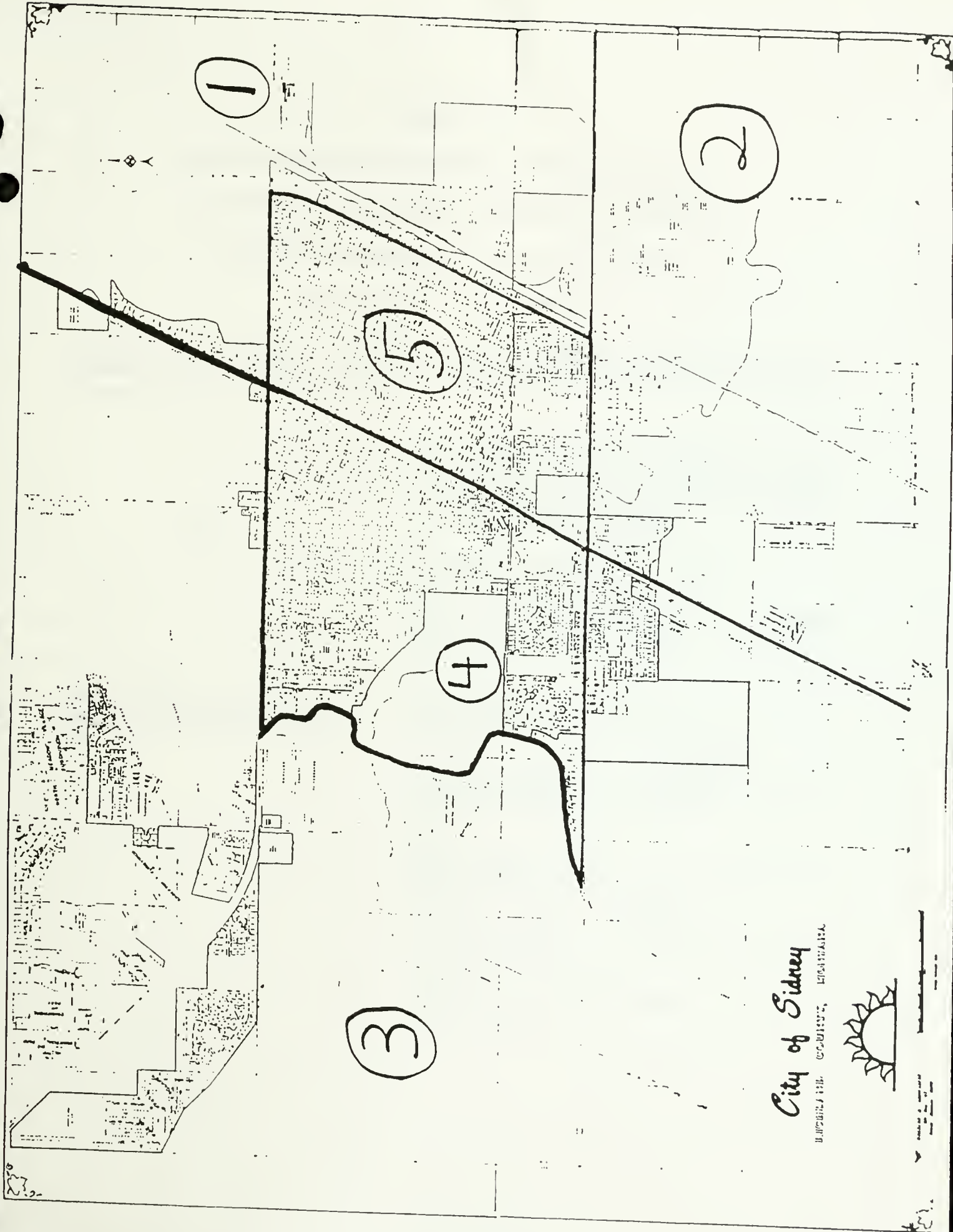
Marie C. Johnson
Marie C. Johnson

ROOSEVELT COUNTY ROOSEVELT COUNTY



RICHLAND COUNTY ROAD MAP

Revised December 1949



City of Sidney
SHELBY COUNTY, MONTANA



CERTIFICATE

ESTABLISHING THE DATE OF THE SPECIAL ELECTION
AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS OF
RICHLAND COUNTY MONTANA

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Richland County at a special election to be held with the general election on November 5, 1996.

We, the Study Commissioners of Richland County do hereby certify that this is the date of the special election approved by the Richland County Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Sidney, Montana this 22 day of August, 1996.

ATTEST:

Elmina J. Cook
Elmina J. Cook, Clerk & Recorder

Dolph Harris
Dolph Harris, Chair

Christopher Eckhoff
Christopher Eckhoff

Gene W. Koch
Gene W. Koch

Donald L. Netzer
Donald L. Netzer

Marie C. Johnson
Marie C. Johnson

CERTIFICATE
ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 5, 1996, SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT

BALLOT ON THE ALTERNATIVE FORM OF GOVERNMENT

Vote for One.

- ☐ FOR adoption of the self-government charter with the commission-manager plan of government proposed for Richland County by the Richland County Local Government Study Commission.
- ☐ FOR the existing form of government.

We, the Study Commissioners of Richland County do hereby certify that this is the date of the special election approved by the Richland County Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Sidney, Montana this 22 day of August, 1996.

ATTEST: Elmina J. Cook
Elmina J. Cook, Clerk & Recorder

Dolph Harris
Dolph Harris, Chair

Christopher Eckhoff
Christopher Eckhoff

Gene W. Koch
Gene W. Koch

Donald L. Netzer
Donald L. Netzer

Marie C. Johnson
Marie C. Johnson

CERTIFICATE
ESTABLISHING THE DATES OF THE
FIRST PRIMARY AND GENERAL ELECTIONS
FOR OFFICERS OF THE NEW GOVERNMENT
OF RICHLAND COUNTY, MONTANA
IF THE ALTERNATIVE PROPOSAL IS APPROVED
AND ESTABLISHING THE EFFECTIVE DATE OF
THE PROPOSAL, IF APPROVED

The date of the primary election for officers of the new government of Richland County, Montana shall be held at a special election on September 9, 1997.

The date of the general election for officers of the new government of Richland County, Montana shall be held at a special election on November 4, 1997.

The effective date of the alternative plan of local government of Richland County, Montana takes effect when the new officers take office at 10 a.m., January 2, 1998.

We, the Study Commissioners of Richland County do hereby certify that these are the dates of the special primary and general elections and the effective date of the alternative plan of local government of Richland County, Montana approved by the Richland County Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

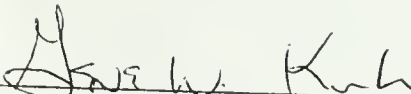
Done at Sidney, Montana this 22 day of August, 1996.

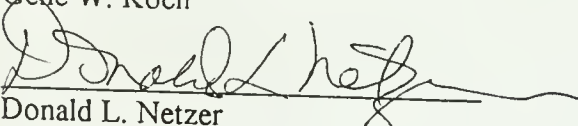
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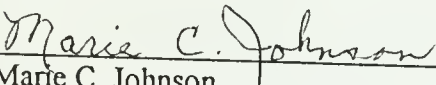
Elmina J. Cook
Elmina J. Cook, Clerk & Recorder

Dolph M. Harris
Dolph M. Harris, Chairman

Christopher Eckhoff
Christopher Eckhoff


Gene W. Koch


Donald L. Netzer


Marie C. Johnson



MONTANA DEPARTMENT OF COMMERCE

Local Government Assistance Division
Local Government Services-Systems Program
1424 9th Avenue PO Box 200501
Helena, MT 59620-0501

Phone: (406) 444-3010
FAX: (406) 444-9785
TDD: (406) 444-2978

November 22, 1995

Mr. Harold Chambers
Montana State Library
1515 E. Sixth Avenue
PO Box 201800
Helena, MT 59620-1800

STATE DOCUMENTS COLLECTION

NOV 30 1995

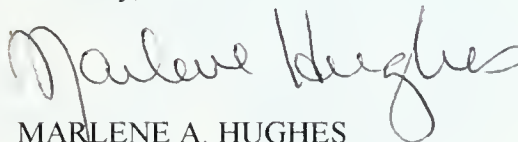
MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

Mr. Chambers:

In accordance with Section 7-3-187, MCA, local government study commissions are to file two copies of their final report with the department of commerce, local government services bureau. One of these copies is to be forwarded by the department of commerce to the state library.

Enclosed you will find a copy of the City of Ronan's decision regarding the 1994 study commission.

Sincerely,



MARLENE A. HUGHES
Administrative Assistant

Enclosure

CITY OF RONAN LOCAL GOVERNMENT STUDY COMMISSION FINAL REPORT

To the Citizens of the City of Ronan:

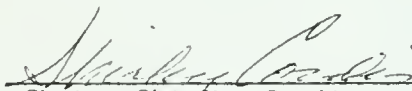
The City of Ronan Local Government Study Commission elected by the voters on November 8, 1994 or thereafter appointed present this final report to the citizens of this city.

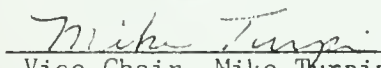
The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our city government and procedures for delivery of local government services and compare them with other forms available under the laws of the state". If some change is deemed necessary, the study commission may submit such proposed change to the electors.

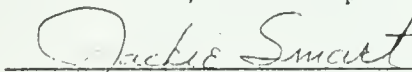
In the conduct of their review the study commission has studied various forms and plans of city government. All meetings of the study commission were open to the public. Public hearings were held to determine citizen opinion.

After due deliberation and as a result of discussions held and the public hearings the City of Ronan Local Government Study Commission has concluded that there is a general consensus that the existing form and plan of government remain the same with no alterations or change.

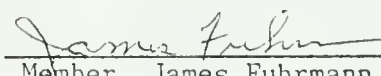
Respectfully submitted,


Chair, Shirley Cordis

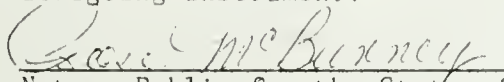

Vice Chair, Mike Turpin


Secretary, Jackie Smart


Member, William Koberg


Member, James Fuhrmann

I, hereby, certify that this is a true and correct copy of the original foregoing instrument.


Notary Public for the State of MT
Residing At Ronan, MT 59066
My Commission Expires: 12-4-98

Orig: Dept. Admn.
Cert. Copy: City Clerk
Cert. Copy: County Clerk & Recorder



MONTANA DEPARTMENT OF ADMINISTRATION

Local Government Services Bureau-Systems Program

301 South Park Avenue Room 340
PO Box 200547
Helena, MT 59620-0547

Phone: (406) 841-2909
FAX: (406) 841-2910
TDD: (406) 444-1421

June 14, 2006

STATE DOCUMENTS COLLECTION

JUN 16 2006

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

James Kammerer
Montana State Library
1515 E Sixth Avenue
Helena, MT 59620-1800

RE: Local Government Study Commission Reports

As required in 7-3-187, MCA, we are required to forward to the State Library a copy of the final reports of local government study commissions that we receive in our office. Enclosed is a copy of **Roosevelt County's** 2006 Local Government Study Commissions report for your files.

Sincerely,

A handwritten signature in blue ink that reads "Heather Voeller".

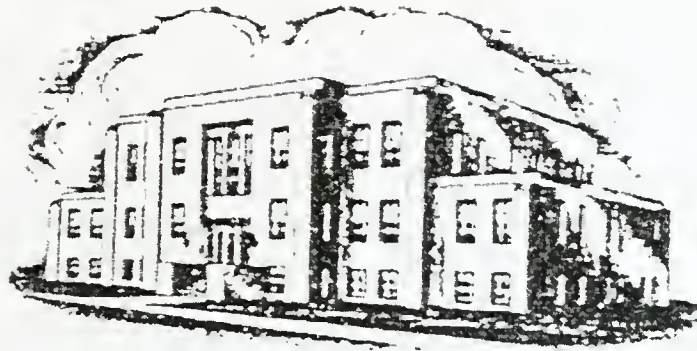
Heather Voeller
Program Assistant
Local Government Services

Enclosure

RECEIVED

JUN 09 2006

ADMINISTRATION
LOCAL GOVERNMENT
SERVICES BUREAU

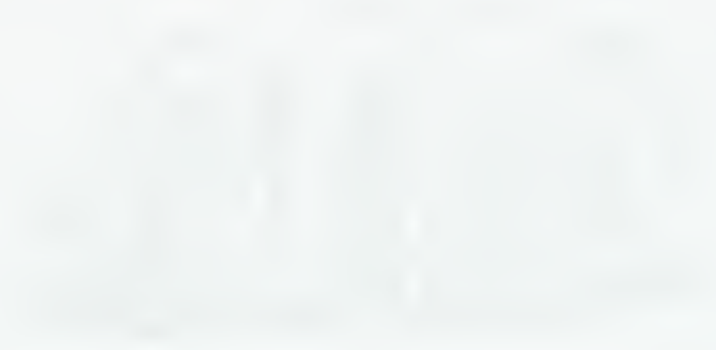


Roosevelt County 2006 Local Government Review

STATE DOCUMENTS COLLECTION

JUN 10 2006

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620



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**THE COUNTY OF ROOSEVELT
GOVERNMENT STUDY REVIEW COMMISSION
FINAL REPORT**

To the Citizens of Roosevelt County:

The Roosevelt County Government Study Review Commission elected by the citizens on November 2, 2004 presents this final report to the citizens of the county.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our county government and procedures for delivery of local government services and compare them with other forms available under the laws of the state."

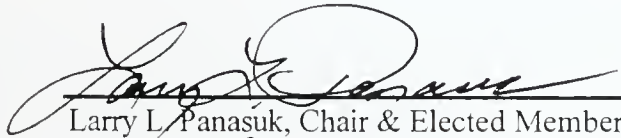
In the conduct of their review the study commission has sought advice and information from a number of people in the county. Opinions and recommendations were solicited from county government officials, county department heads, employees and citizens. All meetings of the study commission were open to the public. Public hearings were held to determine citizen opinion.

As a result of discussions held with people and groups mentioned, the Roosevelt County Government Study Review Commission has concluded that there is a general consensus that the existing county commission form of government has served this county well and will continue to do so in the near future.

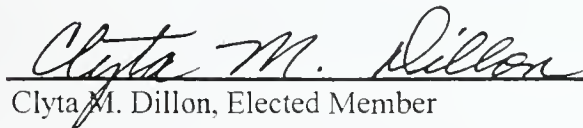
The study commission recommends the following amendment:

1. Change the election process from partisan to non-partisan elections.

Respectfully submitted,


Larry L. Panasuk, Chair & Elected Member


Wally W. Good, Elected Member


Clyta M. Dillon, Elected Member

Roosevelt County Government Study Commission 2004-2006

FINAL REPORT

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III. APPENDIX

EXHIBIT A: Certificate establishing the existing form of government

EXHIBIT B: Certificate establishing the proposed form of government

EXHIBIT C: Certificate establishing election date

EXHIBIT D: Certificate establishing form of the ballot

EXHIBIT E: Certificate establishing effective date of the proposal if approved

EXHIBIT F: Public Opinion Questionnaire & tabulation of results

EXHIBIT G: Communication Plan

EXHIBIT H: Final Report Presentation

I. LETTER TO THE CITIZENS OF ROOSEVELT COUNTY

To the Citizens of Roosevelt County:

The Roosevelt County Government Study Commission elected by the citizens of Roosevelt County on November 2, 2004, present this final report to you, the citizens of Roosevelt County.

The purpose of the study commission, as defined in state law is "to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state." After completing these two phases of the study it is the responsibility of the study commission to submit a final report recommending no change, or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

In every phase of this review this study commission sought advice and information from as many people in the county as possible. Opinions and recommendations were solicited from county government officials, county employees, county department heads, and citizens at large. All meetings of the study commission were open to the public. Public hearings were held and public input was solicited by a survey published in the Herald News and through one-on-one interviews and conversations with citizens of the community.

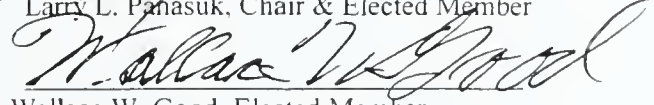
Our recommendations reflect the thoughts and opinions of those who participated in public hearings, those who attended our regular meetings, and those who responded to surveys, in addition to the independent efforts of this study commission.

As a result of discussions held with people and groups mentioned, the Roosevelt County Government Study Review Commission has concluded that there is a general consensus that the existing county commission form of government has served this county well and will continue to do so in the future, at least until the next study commission is formed. Roosevelt County is currently experiencing low-to-negative growth in population and business at this time, and therefore, has little need for a change in government. We, therefore, recommend that the county commission form of government be continued for the county.

In this final report we present our recommendation for one amendment to the form of government. We believe the citizens of the county desire, and will benefit, by non-partisan county elections. We also recommend an addition to the Roosevelt County Policy and Procedure Manual to formalize the leadership role of the Commissioners in the writing and review of annual goals and objectives of all of the Commissioners and Elected Officials.

The question of adopting this amendment to the existing form of government will be placed on the November 7, 2006, ballot.

Respectfully submitted,


Larry L. Panasuk, Chair & Elected Member

Wallace W. Good, Elected Member

Clyta M. Dillon, Elected Member
Roosevelt County Government Study

II. REPORT SUMMARY

The Roosevelt County Study Commission, having thoroughly studied our present form of county government and the alternative forms of government available to the counties under state law, recommends the following:

1. The question of whether or not elections shall be conducted on a partisan or nonpartisan basis shall be submitted to the voters of the county as an option as authorized in 7-4-0413 MCA.
2. The question on the option shall be submitted to the voters of Roosevelt County on November 7, 2006.
3. The Roosevelt County Commissioners shall consider initiating a process in the Roosevelt County Policy and Procedures Manual of setting annual goals and objectives by the Commissioners and by the Elected Officials for improving the efficiency and communications between and for their respective offices, and for reaching benchmarks on important projects within their respective responsibilities. When the Commissioners adopt policy and procedures, all other elected County officials are required by law to follow those policies as authorized in 7-4-2110 (5) MCA.

A. FINDINGS OF THE STUDY COMMISSION

The study commission collected information through various avenues. The first several months were spent conducting individual interviews with each elected official and appointed department head. The interviews included questions about the functionality and responsibilities of the departments in which they work, about their place in the chain of command, about any problems or concerns they had in completing their responsibilities and their suggestions for improvement.

For the most part, the employees conveyed positive comments, a dedication to serve the public, and viewed their departments as responsive to the citizens of Roosevelt County. Lack of funding and limited budgets were major concerns, but neither department heads nor elected officials believed a change in government was needed, with the exception of the type of election (partisan/nonpartisan). On this topic they were unanimously in favor of nonpartisan, although in varied strength of opinion.

The study commission collected and reviewed the current budget, the Policy and Procedures Manual, the current year's audit report, the list of Boards and members, the organization charts, the Capital Planning document, and the progress-to-date and plan for bringing Roosevelt County's information and communication into the Internet realm. (Examination of the computer literacy of the officials and their communications to the public was a specific item of review suggested by the Local Government Center at Montana State University in the study team's training and in the handbook material.) These documents were satisfactory or updated upon request. Only the long-range planning and the lack of a web site were noted as areas of concern.

Public Opinion - A public survey was posted in the Herald News, Searchlight and Wotanin Wowapi and 19 responses were received, with the government officials receiving mostly middle-of-the-road marks. One survey respondent wanted County Manager form of government. More than half of the surveys appeared to be from the eastern part of the county as they complained about the roads and sheriff protection in the eastern part of the county. Five survey respondents complained about the sheriff dept.; five survey respondents complained about the roads. Throughout the course of the study review, public input was received by individual commission members, mostly through phone calls and face to face conversations. The major spoken concerns were about the conflicts among the officials in the court house, or of observed wasting of time in the court house or the sheriff's department.

Whereas the manager/commissioner form of government would address these problems, the idea met with emphatic opposition by about 98% of the citizens approached. It is the opinion of the study group that Roosevelt County activities and size do not warrant adding another layer of administration, and that the manager/commissioner form of government is not the best solution for this county at this time. Furthermore, during the public meetings held on the preliminary recommendations, the court house employees insisted that the conflicts in the court house could and should be resolved by better in-house communication and not by changing the form of government. The study team was unable to get many opinions from citizens outside the court house sphere of influence during the public meetings, but one-on-one conversations after the meetings filled the gap.

In the case of road maintenance, the Roosevelt Commissioners volunteered in their interviews that roads were always a problem and cause for complaints no matter how many times they graveled or graded the roads or how fast they removed the snow after large storms. It should also be noted that during the study period, the road supervisor was terminated and the sheriff decided to run for a Commissioner seat instead of running for sheriff again. At the time of this report, one of the Commissioners was managing the road department.

The Commissioner form of County Government has served Roosevelt well for many years and the study commission does not believe another form of government is needed at this time. The County Commissioners have already combined the offices of Sheriff and Coroner, Treasurer and Assessor, Clerk of District Court and Superintendent of Schools, and Clerk & Recorder and Public Administrator. The County elects its three Commissioners for 6 year terms with staggered terms so only one Commissioner is up for election every two years. The Commissioners are elected by district in which the candidate must reside and which are apportioned by population. The apportionment in 1999 was mandated by and overseen by the Federal Department of Justice, Civil Division, to ensure that the Native American population was properly represented. The subsequent updating of the apportionment as a result of the 2000 census report was made in compliance with the given rules.

On the other hand, there are definite concerns in the County and among Roosevelt County government employees, both elected and hired, that improvements are necessary in the overall management of official County business. Of particular concern is conflict resolution among the County's elected officials. While the County Commissioners claim they do not have administrative authority over another elected official, they too are accountable to the citizens of

the County for each County employee, elected or appointed. This was a problem which the study commission wrestled with throughout the study, as had the 1984-6 study commission. The 1984-6 Study Commission recommended the formation of the Policy and Procedures Manual which subsequently was established.

By seeking advice from the Local Government Center at Montana State University, this 2004-6 Study Commission confirmed that overall coordination, communication and accountability of all other officials of the County are the responsibility of the Commissioners. This is effected via personnel policies and procedures adopted by the County governing body in the County's Policy and Procedures Manual, as defined in 7-4-2110 (5) MCA. When the Commissioners adopt policy and procedures, all other elected County officials are required by law to follow those policies.

To quote the MCA:

"7-4-2110. Supervision of county and other officers. The board of county commissioners has jurisdiction and power, under the limitations and restrictions that are prescribed by law, to:

- (1) supervise the official conduct of all county officers and officers of all districts and other subdivisions of the county charged with assessing, collecting, safekeeping, managing, or disbursing public revenue;
- (2) see that the officers faithfully perform their duties;
- (3) direct prosecutions for delinquencies;
- (4) when necessary, require the officers to renew their official bonds, make reports, and present their books and accounts for inspection; and
- (5) require the officers to supervise staff in a manner that complies with personnel policies and procedures adopted by the county governing body."

B. COMPARISON OF EXISTING FORM OF GOVERNMENT AND THE PROPOSED FORM

1. PARTISAN AND NONPARTISAN ELECTIONS

The County of Roosevelt holds elections on a PARTISAN basis, thus requiring citizens to vote on only those candidates whose party affiliation is the same as their party affiliation in a primary election. The winning candidate from each party then advances to the general election, where all citizens vote among those candidates advancing.

In NONPARTISAN elections candidates run for office in direct competition against each other, without declaring a party affiliation. If **three or more** candidates file to run for a particular office, their first election would be held on the primary election. The two candidates with the most votes would be advanced to the general election. In the case of three candidates, all the citizens would vote among the three in the primary election. All the citizens would vote among the two candidates advanced to the general elections.

2. REASONS FOR THE RECOMMENDATION OF

NONPARTISAN ELECTIONS

Since 1976, fifty-one local governments in Montana have adopted nonpartisan elections. In the previous attempt in 1986 to change the election process of Roosevelt County to nonpartisan, the public voted for Non-Partisan Elections of all County Officials (2,042 to 867) and voted to change the County Treasurer from Elected to Appointed by the Commission (155 to 122). However, the first option on the ballot to keep the government the same or to change the government (1,883 to 1,338 votes) overrode the second & third options, or sub-options, as they are called. Therefore, the government remained the same after that election.

As a result of interviews and discussions with people and groups mentioned, the Roosevelt County Government Study Review Commission has concluded that there is still a desire to have nonpartisan elections at the local level. Local issues and community spirit, not national politics, seem to be the motivation for candidates to run for office; and the motivation for the voters is to elect the candidate on his/her own merits, and not by his/her party affiliation. Furthermore, no one came forth in favor of and giving reasons to keep the elections as partisan. We do not know if nonpartisan elections will be an encouragement for more people to run for public office, but we do not believe it will hinder anyone considering becoming a candidate for public office.

Once elected, the Official serves all the citizens of the county, and party affiliation does not seem to affect the carrying out of their responsibilities, which are more administrative in nature rather than creation of policy.

C. SUPPLEMENTARY PROPOSAL

1. RECOMMENDED ADDITION TO THE ROOSEVELT COUNTY POLICY AND PROCEDURES MANUAL

As a result of interviews and discussions with the people and groups mentioned, and in the examination of the documents provided, there appears to **be three areas of concern** that must be addressed by the Roosevelt Commissioners and Elected Officials. These concerns can and should be addressed, not by a change in the government, but rather in the Roosevelt County Policy and Procedures Manual.

Accordingly, the Study Commission, in an effort to empower the Commissioners as "consensus builders" of all County employees, elected as well as appointed or hired, recommends the following administrative measures for consideration by the County Commissioners to be adopted in the Roosevelt County Policy and Procedures Manual:

1. Establish a process by which overall goals and objectives for improving the efficiency of the County organization (both in time and dollars spent) and effecting cooperation between departments are stated and reviewed on an annual basis. The process shall include setting goals for improving communication, physical surroundings and the atmosphere in which citizens are served, as well as goals for computer literacy of all employees. Formation of goals and measurable objectives from each of the other Elected Officials, as well as the Commissioners, should be included in the process.

At least these specific communication projects, among others to be self identified, should be addressed in the first year.

- a) Creation of a County web site by which both the employees of the County and the citizens of Roosevelt County will have access to the postings of all County officials.
 - b) Ensure the use of the web site as a vehicle by which the citizens of the County will be informed of County business decisions and concerns of the Commissioners.
2. Establish levels of professionalism expected from Commissioners and Elected Officials, which may include attendance at meetings, cooperation between departments, uniform requirements, discipline and documentation of employee behavior, expansion of the grievance policy, or other policies necessary to address possible problems in the future.
3. Establish a process for defining long range project objectives with identified benchmarks and capital expenditures for steps in achievement in the current year and future years, to ensure that each project will get the focus it needs to be completed. Review progress quarterly.

At least these specific projects, among others to be self-identified, should be addressed in the first year.

- a) Consider the building of the jail expansion and drug treatment center.
 - b) Consider the life expectancy of the County Nursing Home and its replacement.

2. RECOMMENDED IMPLEMENTATION PROCESS

The study commission was advised to recommend that the first session of setting measurable objectives and long-range timelines would best be facilitated through the help of a professional trainer experienced in that area. An outside party leading the session should have a positive affect on focusing the group and the individuals on the new process and in identifying objectives and goals that would have a positive affect on each of their offices. In subsequent years, the previous year's goals and objectives would guide the current year's input, with continued training or facilitating provided as needed at the option of the Commissioners.

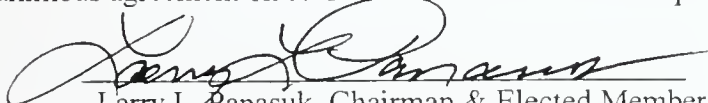
The sessions should include the three County Commissioners and the five elected officials: Clerk & Recorder/Public Administrator, County Treasurer/Assessor, County Sheriff/Coroner, County Attorney, and Clerk of District Court/Superintendent of Schools. The Commissioners should establish goals for themselves as a group and also individually, as well as for the overall efficiency and cooperation of all the departments of the elected officials. The five elected officials should establish annual objectives for themselves and their departments which would include steps to achieve the overall goals.

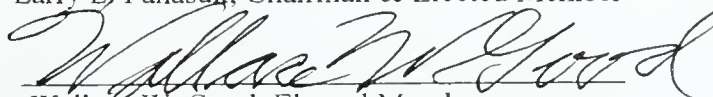
These objectives would be reviewed as a group to ensure compatibility and efficiency. The following year, each member would evaluate their own accomplishments to the group, and establish their next year's objectives, which again are reviewed as a group to ensure compatibility and efficiency.

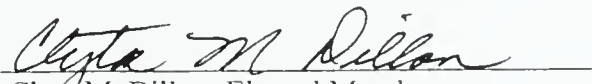
Facilitators or training/workshops which were recommended by Jane Jelinski, Director of the Local Government Center at MSU-Bozeman, for Commissioner consideration are:

1. Professional Development Center. They are part of the Department of Administration and have a whole catalog of classes they provide. Commissioners may view their webpage - pdc.mt.gov or call them at 406-444-3819. Jane has used their services many times and has always been satisfied.
2. Community Mediation Center, 104 East Main St., Bozeman, MT 59715, phone 406-209-0613. According to Jane, they have a very good reputation.

We, the Study Commissioners of Roosevelt County, have unanimous agreement on these recommendations and report.


Larry L. Panasuk, Chairman & Elected Member


Wallace W. Good, Elected Member


Clyta M. Dillon, Elected Member

Roosevelt County Government Study Commissioners

III. APPENDIX

EXHIBIT A: Certificate establishing the existing form of government

EXHIBIT B: Certificate establishing the proposed form of government

EXHIBIT C: Certificate establishing election date

EXHIBIT D: Certificate establishing form of the ballot

EXHIBIT E: Certificate establishing effective date of the proposed amendments

EXHIBIT F: Public opinion questionnaire & tabulation of results

EXHIBIT G: Communication Plan

EXHIBIT H: Final Report Presentation

EXHIBIT A
CERTIFICATE ESTABLISHING
THE EXISTING FORM OF GOVERNMENT
FOR ROOSEVELT COUNTY

If retained by the voters, the government of Roosevelt County shall be organized under the following provisions of MCA 7-3-111 which authorizes the elected county official form of government.

7-3-111. Statutory basis for elected county official government. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(2);
- (d) 7-3-413(1);
- (e) 7-3-414(1);
- (f) 7-3-415(2);
- (g) 7-3-415(2);
- (h) 7-3-416(2);
- (i) 7-3-417(2);
- (j) 7-3-418;
- (k) 7-3-432(1);
- (l) 7-3-433(1);
- (m) 7-3-434(1);
- (n) 7-3-435(1);
- (o) 7-3-436(1);
- (p) 7-3-437(5);
- (q) 7-3-438(6);
- (r) 7-3-439(6);
- (s) 7-3-440(6);
- (t) 7-3-441(6);
- (u) 7-3-442(6)

This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

CERTIFICATE ESTABLISHING THE EXISTING FORM OF GOVERNMENT (cont'd)

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-412 (2). Selection of commission members. The commission shall be elected by district in which candidates must reside.

7-3-413(1). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-414(1). Chairman of commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415(2). Administrative assistants. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416(2). Terms of the commission members. Commission members shall be elected for overlapping terms of office.

7-3-417(2). Size of commission and community councils. The size of the commission shall be three and community councils to advise commissioners may be authorized by ordinance.

7-3-418. Terms of elected officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI; section 3(2) of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

7-3-432(1). Legal officer. A legal officer (who may be called the county attorney) shall be elected.

7-3-433(1). Law enforcement officer. A law enforcement officer (who may be called the sheriff) shall be elected.

**CERTIFICATE ESTABLISHING
THE EXISTING FORM OF GOVERNMENT** (cont'd)

7-3-434(1). Clerk and recorder. A clerk and recorder shall be elected.

7-3-435(1). Clerk of district court. A clerk of district court shall be elected.

7-3-436(1). Treasurer. A treasurer shall be elected.

7-3-437(6). Surveyor. A surveyor shall not be included in this form as a separate office.

7-3-438(6). Superintendent of schools. A superintendent of schools shall not be included in this form as a separate office.

7-3-439(6). Assessor. An assessor shall not be included in this form as a separate office.

7-3-440(6). Coroner. A coroner shall not be included in this form as a separate office.

7-3-441(6). Public administrator. A public administrator shall not be included in this form as a separate office.

7-3-442(6). Auditor. An auditor shall not be included in this form as a separate office.

We, the Study Commissioners of Roosevelt County, do hereby certify that this is the existing Plan of Government as established by Section 7-3-111 MCA.

In testimony whereof, we sit our hands.

Done at Wolf Point this 5th day of May, 2006

ATTEST: Chester A. Hansen
Clerk & Recorder of Roosevelt County

Larry L. Panasuk
Chairman & Elected Member

Wallace W. Good
Wallace W. Good, Elected Member

Clyta M. Dillon
Clyta M. Dillon, Elected Member

Roosevelt County Government Study Commissioners

EXHIBIT B

CERTIFICATE ESTABLISHING

THE PROPOSED FORM OF GOVERNMENT

FOR ROOSEVELT COUNTY

Upon approval of the majority of voters, the government of Roosevelt County shall be organized under the following provisions of MCA 7-3-111 which authorizes the elected county official form of government.

7-3-111. Statutory basis for elected county official government. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
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- (d) 7-3-413(2);
- (e) 7-3-414(1);
- (f) 7-3-415(2);
- (g) 7-3-415(2);
- (h) 7-3-416(2);
- (i) 7-3-417(2);
- (j) 7-3-418;
- (k) 7-3-432(1);
- (l) 7-3-433(1);
- (m) 7-3-434(1);
- (n) 7-3-435(1);
- (o) 7-3-436(1);
- (p) 7-3-437(5);
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- (r) 7-3-439(6);
- (s) 7-3-440(6);
- (t) 7-3-441(6);
- (u) 7-3-442(6)

This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

CERTIFICATE ESTABLISHING THE PROPOSED FORM OF GOVERNMENT (cont'd.)

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

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7-3-413(2). Type of election. Local government elections shall be conducted on a nonpartisan basis.

7-3-414(1). Chairman of commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415(2). Administrative assistants. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416(2). Terms of the commission members. Commission members shall be elected for overlapping terms of office.

7-3-417(2). Size of commission and community councils. The size of the commission shall be three and community councils to advise commissioners may be authorized by ordinance.

7-3-418. Terms of elected officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI; section 3(2) of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

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7-3-433(1). Law enforcement officer. A law enforcement officer (who may be called the sheriff) shall be elected.

7-3-434(1). Clerk and recorder. A clerk and recorder shall be elected.

**CERTIFICATE ESTABLISHING
THE PROPOSED FORM OF GOVERNMENT (cont'd.)**

7-3-435(1). Clerk of district court. A clerk of district court shall be elected.

7-3-436(1). Treasurer. A treasurer shall be elected.

7-3-437(6). Surveyor. A surveyor shall not be included in this form as a separate office.

7-3-438(6). Superintendent of schools. A superintendent of schools shall not be included in this form as a separate office. In Roosevelt County, this position is combined with the office of Clerk of District Court.

7-3-439(6). Assessor. An assessor shall not be included in this form as a separate office. In Roosevelt County, this position is combined with the office of Treasurer.

7-3-440(6). Coroner. A coroner shall not be included in this form as a separate office. In Roosevelt County, this position is combined with the office of the Law Enforcement Officer.

7-3-441(6). Public administrator. A public administrator shall not be included in this form as a separate office. In Roosevelt County, this position is combined with the office of Clerk and Recorder.

7-3-442(6). Auditor. An auditor shall not be included in this form as a separate office. Roosevelt County does not have a population large enough to require an auditor.

We, the Study Commissioners of Roosevelt County, do hereby certify that this is the Proposed Plan of Government approved by the study commissioners of Roosevelt County.

In testimony whereof, we set our hands.

Done at Wolf Point this 5TH day of May, 2006

ATTEST:

 Clayton A. Hansen
Clerk & Recorder of Roosevelt County

Larry L. Panasuk
Larry L. Panasuk, Chairman & Elected Member

Wallace W. Good
Wallace W. Good, Elected Member

Clyta M. Dillon
Clyta M. Dillon, Elected Member

Roosevelt County Government Study Commissioners

EXHIBIT C

CERTIFICATE

ESTABLISHING THE DATE OF THE ELECTION
AT WHICH THE ALTERNATIVE FORM OF COUNTY ELECTION
SHALL BE PRESENTED TO THE ELECTORS OF
ROOSEVELT COUNTY

The alternative form of election proposed by the Local Government Study Commission shall be submitted to the voters of Roosevelt County on November 7, 2006.

We, the Government Study Commission of Roosevelt County do certify that this is the date of the general election approved the Government Study Commission of Roosevelt County.

In testimony whereof, we set our hands.

Done at Wolf Point this 5th day of May, 2006

ATTEST: Cheryl A. Hansen
COUNTY CLERK & RECORDER

Larry L. Panasuk

Larry L. Panasuk - Chairman & Elected Member

Wallace W. Good

Wallace W. Good - Elected Member

Clyta M. Dillon

Clyta M. Dillon - Elected Member

Roosevelt County Government Study Commissioners

EXHIBIT D
CERTIFICATE
ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 7, 2006 GENERAL ELECTION

Instruction to voters: Place an "X" in the boxes which express your preference.

OFFICIAL BALLOT ON THE ALTERNATIVE TYPE OF LOCAL ELECTION
PLEASE VOTE ON THIS ISSUE

1. Vote for one

County government elections:

☐

Shall be conducted on a non-partisan basis

☐

Shall be conducted on a partisan basis

We, the Government Study Commission of Roosevelt County do hereby certify that this is the official ballot approved by the Government Study Commission of Roosevelt County.

In testimony whereof, we set our hands.

Done at Wolf Point this 5th day of May, 2006

ATTEST:

Cleof A. Hansen
COUNTY CLERK & RECORDER

Larry L. Panasuk - Chairman & Elected Commissioner

Wallace W. Good - Elected Commissioner

Clyta M. Dillon - Elected Commissioner

Roosevelt County Government Study Commissioners

EXHIBIT E
CERTIFICATE

ESTABLISHING THE EFFECTIVE DATE OF THE PROPOSAL IF APPROVED

If the alternative form of election is approved by the electors on November 7, 2006, it shall become effective as of the filing for the next election which will begin January 1, 2008.



We, the Government Study Commission of Roosevelt County Wolf Point do hereby certify that these are the dates of the general election and the effective date of the election change as approved by the Study Commissioners of Roosevelt County.

In testimony whereof, we set our hands.

Done at Wolf Point this 5th day of May, 2006

ATTEST:

Cheyl A. Hansen

COUNTY CLERK & RECORDER

Larry L. Panasuk

Larry L. Panasuk - Chairman & Elected Commissioner

Wallace W. Good

Wallace W. Good - Elected Commissioner

Clyta M. Dillon

Clyta M. Dillon - Elected Commissioner

Roosevelt County Government Study Commissioners

EXHIBIT F PUBLIC OPINION QUESTIONNAIRE

HOW'S ROOSEVELT COUNTY GOVERNMENT DOING???

A once every 10 years citizen study of County governments has been underway since January. The Study Committees here, Chaired by the West Point, Larry Panasik from Pineville, and Wally Good from Wolf Point, have held seven public meetings during which interviews of each of the County officials have been conducted, completing Phase I of the study.

So far, the interviews have produced a consensus from the officials that no changes need to be made in the form or function of any of the officials in the Government, with the exception of possibly changing the election of officials from a partisan to a nonpartisan ballot. All officials stated a concern about the constraints of his/her budget, the Sheriff's department being, in our opinion, the most critical.

Your input is needed to complete Phase II of the study. What is your opinion of how the County government is taking care of business?? How are they doing??

1. How responsive to your needs do you find your County Government?
☐ Very Responsive ☐ Responsive ☐ Somewhat Responsive ☐ Not Responsive.
2. Do you find that County Government Officials and Department Heads are cooperating in meeting your needs and the overall needs of the County?
☐ Very Cooperative ☐ Cooperative ☐ Somewhat Cooperative ☐ Not Cooperative
3. Are your County Government Officials looking toward the future?
☐ Yes, Definitely ☐ Yes, Somewhat ☐ Not really
4. How fair is the County Government in dealing with all of the residents of the County?
☐ Fair ☐ Somewhat Fair ☐ Not Fair
5. Is law enforcement adequate and responsive?
☐ Adequate/Responsive ☐ Somewhat Adequate/Responsive ☐ Not Adequate/Responsive.
 5a. Do you feel safe in this community? ☐ Yes ☐ Somewhat ☐ Not Really
6. Are roads in the County generally adequate and properly maintained?
☐ Adequate/Maintained ☐ Somewhat Adequate/Maintained ☐ Not Adequate/Maintained.
7. Would you like to see your County road paid? ☐ Yes ☐ No ☐ No Too expensive
8. Do you think any of these elected positions should be changed in the ballot? Circle your answer.

Position	Stay Elected	Stay Partisan	Change to No Party Affiliation	Change to Elected by & Supervised by the Commissioners
1a. County Attorney	Yes/No	Yes/No	Yes/No	Yes/No
2a. County Clerk-Recorder	Yes/No	Yes/No	Yes/No	Yes/No
3a. County Treasurer	Yes/No	Yes/No	Yes/No	Yes/No
4a. County Sheriff	Yes/No	Yes/No	Yes/No	Yes/No
5a. Clerk of District Court Superintendent of Courts School	Yes/No	Yes/No	Yes/No	Yes/No

9. Do you have any other comments or recommendations that you would like your County Government Review Study Committee to consider? _____

10. We will be looking for officials to discuss with a group of citizens or organization with whom we meet on _____

HOW'S ROOSEVELT COUNTY GOVERNMENT DOING???

Quest.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	TOTAL	Count	AVG	
1	3	2	2	2	2	2	3	3	2	2	3	2	2	3	2	3	3	3	3	47	19	2.47	
2	3	2	2	2	3	2	3	3	2	2	1	4	2	3	3	3	3	3	3	49	19	2.58	
3	2	2	2	2	3	1	2	2	2	3	2	2	3	3	2	3	2	3	2	43	19	2.26	
4	2	2	2	2	3	2	2	2	2	2	2	1	2	2	1	2	2	3	2	36	18	2.00	
5A	2	2	3	3	2	2	2	3	3	3	3	2	3	2	1	2	2	3	2	41	17	2.41	
5B	2	2	2	2	2	2	3	3	2	1			1	2	1	2	3	2	3	28	14	2.00	
6	2	2	2	1	2	2	3	3	2	3	2	2	3	2	2	2	3	3	3	42	18	2.33	
7	3	1	3	3	3	2	2	2	3	3		2	3	1		2	2	2	2	36	16	2.25	
8a	E	A	E	E	E	E	E	E	E	E	E	E	E	E	A	E	E	E	E	3A 15E			
8b	E	A	E	E	A	E	E	E	E	E	E	E	E	E	A	E	A	A	A	6A 12E			
8c	E	A	E	E	A	E	E	E	E	E	E	E	E	E	A	E	A	A	A	6A 12E			
8d	E	A	E	E	A	E	E	E	E	E	E	E	E	E	E	A	A	A	A	6A 12E			
8e	E	A	E	E	A	E	E	E	E	E	E	E	E	E	E	A	A	A	A	5A 13E			
9	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
10	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		

N - P

8a

N - P

8b

N - P

8c

N - P

8d

N - P

8e

*Comments

2

wants County Manager form of government.

4

don't forget Eastern, esp. law enforcement

5

paved roads nice, but too expensive & no money avail

5

East is shorted on law enforcement

6

Sheriff & Road dept. not managed well. Waste taxpayers dollars.

7

Roads are Not Adequate, depending on where you live.

7

Co Comm. should remember Wolf Point is NOT Roosevelt Co.

8

Law enforcement not adequate on 911 call.

8

Roads are Not Adequately maint or graded properly--like irrigation ditches--should be crowned to let water runoff.

11

Grade county roads

14

Sheriff should be held accountable, due to activity & budget. Should be hired & superv. by Comm.

14

Law breakers should be given sentences.

15

Get the new library/co bldg done in Culbertson

16

McCabe Hwy is falling apart

18

Roads

19

Better connections to the East end

8 NonP 0 P

8 NonP 0 P

7 NonP 1 P

6 NonP 2 P

8 NonP 0 P

EXHIBIT G.

THE COMMUNICATION PLAN FOR THE REPORT

The Report Summary & availability of Final Report will be published in the four local newspapers: The Herald News, Searchlight, Wotanin Wowapi, and the Fort Peck Journal (2 weeks each).

The full Final Report will be made available from June to November 7, 2006 at the following locations:

- Wolf Point Library & Senior Center
- Culbertson Library & Senior Center
- Poplar Library & Senior Center
- FPCC – Poplar & Wolf Point
- Roosevelt County Courthouse Bulletin Board
- Tribal Headquarters Bulletin Board
- Culbertson County Building Bulletin Board
- Bainville Community Center
- Froid Senior Center

In addition we plan to combine the making of a televised summary report with the Wolf Point City Government Study Team, if they move forward on a production. We plan to televise the following parts of our Final Report Presentation:

- Report Summary
- Comparison of Existing and Proposed Voting Alternatives
- Reasons for Recommended Change

The airing of the reports is normally six times a day for three days. We expect to run the report twice---one three-day viewing when finished and the newspaper reports are made, and another three-day viewing prior to the election on November 7, 2006. The airing will cover cable subscribers in Wolf Point, Poplar and Culbertson. The expenses will be shared with the city study group.

FINAL REPORT

Roosevelt County Government
Study Commission
2004-6

Unanimously Adopted by:

- Larry L. Panasuk, Chairman & Elected Member, Bainville
- Wallace W. Good, Elected Member, Wolf Point
- Clyta M. Dillon, Elected Member, Wolf Point

and with special thanks to:
Donna K. Reum, Ex-Officio Member

I. Letter to the Citizens

- Purpose:
 1. "to study the existing form and powers of a local government and procedures for delivery of local government services and
 2. to compare them with other forms of government under the laws of the state."
- Responsibility at completion:
Submit a Final Report recommending no change, or propose an amendment or alternative form of government.

Letter to the Citizens (cont.)

- Summarize study process
 - Interviews—open to the public
 - Questionnaire—Herald News, Wotani & Searchlight
 - One-on-one citizen interviews & conversations
 - Repeated interviews—open to public
 - Two well-attended public meetings on Prelim. Report
- Recommend "No Change" for Commissioner form of government
- Recommend nonpartisan election option on Nov. 4th 2006 ballot.

II. A. Finding of the Study Comm.

- Several months --- individual interviews with each elected official & dept. head.
 - functionality & responsibilities of role
 - their place in the chain of command
 - discussion of any problems or concerns
 - suggestions for improvement

A. Findings

- Overall interview results
 - generally positive comments
 - dedication to serve the public
 - responsive to citizens
 - department heads had no problem with chain of command. Some boards were very involved; some didn't meet ever or often.
 - elected officials did not want to run for office in a partisan ballot.

A. Findings

- Commission reviewed:
 - organization charts
 - current budget
 - last financial audit report
 - capital planning document
 - Board member lists
 - electronic communication capability & skills
 - Roosevelt Co. Policy & Procedure Manual
 - existing law defining form of government option
 - citizen questionnaire limitations & uses.

A. Findings

- Public Opinion Survey
 - 19 responses—over ½ from eastern area
 - Gov Officials received middle-of-road marks, except for looking toward future (27% Not Really)
 - 1 supported County Manager form of government
 - Eastern citizens wrote in complaining about sheriff protection and road maintenance (5 & 5 comments)
 - Law enforcement – 6% adequate, 47% somewhat, 47% Not Adequate
 - Roads – 6% adequate, 56% somewhat adequate, 39% Not adequate
 - Stay elected 67%; Appoint 33%
 - Stay partisan 10%; Nonpartisan 90%

A. Findings

- Public Opinion at Preliminary Report meetings –
overwhelming support for nonpartisan elections and no
change to appointed positions.
- Public Opinion: via citizen calls and face-to-face
discussions to Study Commissioners
 - need for accountability of elected officials
 - support for Appointing vs Elected
 - expressed concern about the court house conflicts
 - discussion of County Manager as a solution to lack of
accountability

A. Findings

- Conclusion – Commissioner form of County Gov.
has served Roosevelt Co. well in past and should
do so in the future.
- County Commissioners have already combined
the offices of
 - Sheriff & Coroner
 - Treasurer & Assessor
 - Clerk of Dist Court & Superintendent of Schools
 - Clerk & Recorder & Public Administrator.No other consolidations are recommended.

A. Findings

- Law 7-4-2110 (5) MCA defines Commissioners as responsible for overall coordination, communication and accountability of all other officials of the county
- Definition of standards is achieved through the adoption of policies in the county's Policy & Procedures Manual.

B. Comparison of Existing & Proposed Form of Elections

- Study Commission recommends changing to nonpartisan elections for the county government
- Reasons:
 - Nonpartisan elections were favored by electorate in 1986 on the sub-option vote (2,042 to 867)
 - Interviews & discussions indicate that local issues are influenced more by local citizen's direct input than by party affiliation.

C. Supplementary Proposal

- Interviews & discussions reveal 3 areas of concern:
 - overall communication & cooperation within departments and awareness of level of professionalism that is perceived
 - completion/progress on identified projects
 - need for bringing Roosevelt County public information up to levels of today's advanced technology capability---website completion

C. Supplementary Proposal

- Study commission concluded that a change in government form was not necessary to address these concerns.
- Rather, they can be addressed in the Policy & Procedures Manual.

(to be discussed at end of presentation)

Appendixes

- Exhibit A. Certificate Establishing the Existing Plan of Government
 - MCA 7-3-111 sections 7-3-401 thru 7-3-442 with 7-3-413 (1) being elections conducted on a partisan basis.

CERTIFICATE ESTABLISHING THE EXISTING FORM OF GOVERNMENT

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-412 (2). Selection of commission members. The commission shall be elected by district in which candidates must reside.

7-3-413(1). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-414(1). Chairman of commission The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-416(2). Terms of the commission members. Commission members shall be elected for overlapping terms of office.

Appendixes

- Exhibit B. Certificate Establishing the Proposed Plan of Government
 - MCA 7-3-111 sections 7-3-401 thru 7-3-442 with 7-3-413 (2) being elections conducted on a nonpartisan basis.

Appendixes

- Exhibit C. Certificate Establishing the Date of the Special Election at which the option shall be presented to the electors.
- November 7, 2006

Appendixes

- Exhibit D. Certificate Establishing the Official Ballot for the November 7, 2006 Special Election.

Local government elections:

☐

Shall be conducted on a partisan basis.

☐

Shall be conducted on a nonpartisan basis.

Appendixes

- Exhibit E. Certificate Establishing the Effective Date of the Proposal if Approved
 - January 1, 2008
- Exhibit F. Public Opinion Questionnaire & tabulation of results
- Exhibit G. Communications Plan
- Exhibit H. Final Report Presentation

G. Communication Plan

- Publish the Report Summary & availability of Final Report in 4 local newspapers (2 weeks each)
- Full Final Report available at the following:
 - Wolf Point Library & Senior Center
 - Culbertson Library & Senior Center
 - Poplar Library & Senior Center
 - FPCC – Poplar & Wolf Point
 - Roosevelt County Courthouse Bulletin Board
 - Tribal Headquarters Bulletin Board
 - Culbertson County Building Bulletin Board

G. Communication Plan

- Shared televised report with the Wolf Point City Government Study team.
 - Schedule airing when reports are complete and again before election week
 - at Wolf Point, Poplar, Culbertson

Other suggestions??

End of Report

- The three study commissioners agree unanimously on the report and recommendations. There will be no minority reports.
 - (now back to the Supplementary Recommendation and the Recommended Implementation Process)

C. Supplementary Proposal

- Study commission concluded that a change in government form was not necessary to address these concerns.
- Rather, they can be addressed in the Policy & Procedures Manual.

(to be discussed at end of presentation)

Look to the Future.....

- Empowerment of the Commissioners as "consensus builders"
- Focus on Goals and Projects
- Focus on self-accountability

The players:

- Commissioners as group
- Commissioners as individual contributors
- Clerk & Recorder
- County Attorney
- Sheriff
- Supy of Schools/Clerk of ^{DISTRICT} Justice Court
- Treasurer

Recommended Additions to the Policy & Procedures Manual

1. Establish annual process for setting goals and objectives of Elected Officials & Commissioners
 - generally: improve efficiency, cooperation, communication, computer literacy, physical surroundings, & atmosphere in which citizens are served.
 - specifically: Creation & use of web site

Recommended Additions to the Policy & Procedures Manual

2. Establish standards of professionalism expected for Elected Officials & Commissioners
 - generally: attendance at meetings, cooperation between departments, uniform requirements, discipline & documentation of various types of employee behavior, etc.
 - Think of how to ward off future problems based on your experience.

Recommended Additions to the Policy & Procedures Manual

3. Establish a process for defining long range project objectives with identified benchmarks and capital expenditures for current and future years.
 - generally: projects underway & foreseen
 - specifically
 - jail expansion & drug treatment center
 - life expectancy of the County Nursing Home & its replacement

Recommended Implementation Process

- 1st session is most difficult -- recommend that you hire a facilitator/trainer
- All players must attend and establish goals and measurable objectives for themselves and their departments
- Resulting objectives are reviewed as a group for consistency and compatibility

Recommended Implementation Process

- Self-evaluation occurs at established timeframes, ie quarterly.
- Annual evaluation is shared as new year's objectives are identified and again, shared as a group to ensure consistency and compatibility.

Look to the Future.....

- Empowerment of the Commissioners as "consensus builders"
- Focus on Goals and Projects
- Focus on self-accountability

As a result, overall effectiveness should be improved.



MONTANA DEPARTMENT OF ADMINISTRATION

Local Government Services Bureau-Systems Program

301 South Park Avenue Room 340
PO Box 200547
Helena, MT 59620-0547

Phone: (406) 841-2909
FAX: (406) 841-2910
TDD: (406) 444-1421

June 6, 2006

STATE DOCUMENTS COLLECTION

JUN 08 2006

**MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620**

James Kammerer
Montana State Library
1515 E Sixth Avenue
Helena, MT 59620-1800

RE: Local Government Study Commission Reports

As required in 7-3-187, MCA, we are required to forward to the State Library a copy of the final reports of local government study commissions that we receive in our office. Enclosed is a copy of the Town of Saco's 2005 Local Government Study Commissions report for your files.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Voeller", written over a horizontal line.

Heather Voeller
Program Assistant
Local Government Services

Enclosure

**FINAL STUDY COMMISSION REPORT
FOR THE TOWN OF SACO, MONTANA**

STATE DOCUMENTS COLLECTION

JUN 08 2006

**MONTANA STATE LIBRARY.
1515 E. 6th AVE.
HELENA, MONTANA 59620**

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 - 3. At large Election of the Town Council
- III. COMPARISON OF EXISTING AND PROPOSED FORMS OF GOVERNMENT**
 - A. Existing Form - Description of General Characteristics
 - B. Proposed Form - Description of General Characteristics
 - C. Comparison Chart of Specific Characteristics
- IV. CERTIFICATES**
 - Exhibit A: Certificate of plan of existing form of government
 - Exhibit B: Certificate of plan of proposed form of government (Town Charter)
 - Exhibit C: Certificate establishing election date
 - Exhibit D: Certificate establishing form of ballot

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JUN 06 2006

**ADMINISTRATION
LOCAL GOVERNMENT
SERVICES BUREAU**

I. LETTER TO THE CITIZENS OF THE TOWN OF SACO

To the Citizens of the Town of Saco

The Town of Saco Commission elected by the voters on November 2, 2004, or thereafter appointed this final report to you, the citizens of the Town of Saco.

The purpose of the study commission, as defined by law, is to study the existing form and powers of local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state. After completing these two phases of the study it is the responsibility of the study commission to submit a final report recommending no change, or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

In every phase of this review this study commission sought advice and information from as many people in the Town as possible. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were advertised and open to the public. Commission members visited with various members of the public to explain the work of the commission and also to hear the viewpoints, ideas, and concerns of community members. Public hearings were held.

Our recommendations reflect the thoughts and opinions of those who participated in public hearings, those who attended our regular meetings and the independent efforts of this study commission.

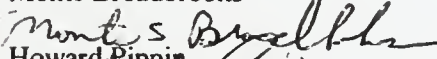
In this final report we present our recommendations for an alternative form of government that we feel will provide the governmental services expected by the people both today and in the future. Our concern has been to provide a form of government that will be responsive to local citizens and provide the opportunity for devising solutions to local problems. We feel the citizens of the Town of Saco can achieve these goals by adopting the Charter form with self-government powers.

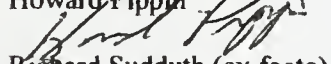
The question of adopting this alternative form of government will be placed on the November 8, 2005 ballot.

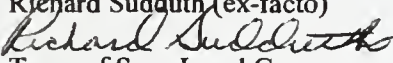
Respectfully submitted:


Clint Simpson

Monte Broadbrooks


Howard Pippin


Richard Sudduth (ex-facto)


Town of Saco Local Government Review Study Commission

II. REPORT SUMMARY

The Town of Saco Study Commission having thoroughly studied our present form of government and the alternative form of government available to cities under state law, and having studied the future governmental needs of the Town, recommends the following:

1. The Town of Saco should adopt, effective July 1, 2006, a self-government charter that preserves the traditional council-mayor plan of government with the mayor and council elected on a nonpartisan ballot and at large by all of the voters in the community.

A. Findings of the Study Commission

After a thorough study of the present form of government of the Town of Saco, it is the decision of the study commission to recommend a change in the form of government to a Charter form with self-governing powers for the following reasons:

Finding #1: MCA Section 7-3-217(1) states that the Town's financial officer (who may be called the treasurer) shall be elected. The treasurer for the Town of Saco has always been appointed by the mayor with the consent of the council. This apparent conflict with state statute will be clarified in the proposed charter by stating that the Town clerk-treasurer will be appointed by the mayor with the consent of the council as we have always done.

Finding #2: MCA Section 7-3-2191 states that local government elections shall be conducted on a partisan basis but for many years we have elected our Town Council and Mayor on a nonpartisan ballot. The new charter will clarify this situation by specifically calling for nonpartisan elections (no political party listed on the ballot) of our Mayor and Council members.

Finding #3. At present, members of the Town Council are elected from one of two wards where the candidate must reside and only the voters in that ward may vote for that candidate. This system reduces the number of willing candidates and weakens the ability of the Town Council to find and appoint replacement council members when a vacancy occurs on the council. At large election of the members of the Town Council will remedy this problem for all of the voters in the community to vote for all of the candidates of their choice.

To remedy and/or clarify the issues presented above, the Study Commission recommends a change to a charter form of Town government that will resolve all of these items.

B. Key Provisions of the Proposal

1. ***Self-government Powers.*** Under the 1972 State Constitution, the potential power and authority of local government has been changed. Traditionally, the power over governmental concerns of the Town has been the prerogative of the state legislature. The legislature decided what Town government should do and how it should do it but the new constitution provides that self-government powers can be adopted by cities and towns. The adoption of self-government powers would mean greater flexibility in shaping governmental structure, greater power to solve our own problems, and more responsibility to recognize and deal with local problems.
2. ***Nonpartisan elections.*** Election of the Town Council and Mayor will continue to be conducted on a nonpartisan basis, as has been our method for many years. This charter provision will bring into compliance with statutory requirements our long-standing practice of electing Town officials without political party identification.
3. ***At large election of the Town Council.*** Changes to the at large election of Town Council members in which all voters in the Town may vote for all candidates of their choice instead of by ward, where only the voters in the ward may vote for a candidate who must reside in that ward.

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DEPARTMENT OF CHEMISTRY
JANUARY 1964

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FROM

TO

BY

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REMARKS

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DATE

III. COMPARISON OF THE EXISTING AND PROPOSED PLANS OF TOWN GOVERNMENT FOR SACO, MONTANA

A. Existing Form

The existing form of government of the Town of Saco is a typical council-mayor form of government with general government powers. The Town is divided into two wards and two council members are elected from each ward. Elections are conducted on a non-partisan basis even though the statutory version of this plan of government requires partisan elections. Town staff, including the clerk-treasurer, are appointed by the Mayor with the consent of the Council.

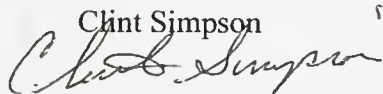
B. Proposed Form

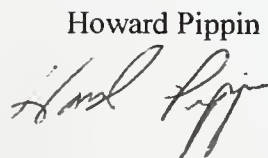
The proposed plan of Town government is set forth in a Town charter which, if approved by the voters, would give the Town self-governing powers. Self-governing powers provides the Town government greater flexibility in dealing with unforeseen problems and opportunities. The proposed plan also continues and regularizes the present practice of electing our Town officials on a nonpartisan ballot but does propose a change to the at large election of all four members of the Town Council.

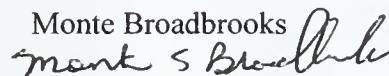
C. Comparison of Specific Characteristics of the Existing and Proposed Forms of Government

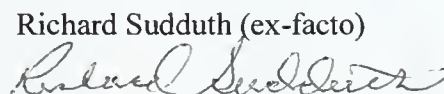
The chart on the following page compares characteristics of the existing form of Town government with the proposed charter form (with council mayor) of Town government.

Respectfully submitted to the electors of the Town of Saco by the Local Government Review
Study Commission:

Clint Simpson


Howard Pippin


Monte Broadbrooks


Richard Sudduth (ex-facto)


THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

RECEIVED
JAN 10 1964

FROM
DR. J. H. GOLDSTEIN

TO
DR. R. M. MAYER

SUBJECT
NMR SPECTRA OF POLYMER SOLUTIONS

REFERENCE
J. H. Goldstein, R. M. Mayer, and J. S. Hwang, J. Chem. Phys., 38, 2668 (1963)

NOTES
The following notes were prepared by Dr. J. H. Goldstein and Dr. R. M. Mayer.

1. The NMR spectra of polymer solutions were measured at 100 MHz and 25°C.

2. The polymers used were polystyrene, polyisobutylene, and polyethylene.

TOWN OF SACO
COMPARISON OF SPECIFIC CHARACTERISTICS OF COUNCIL-MAYOR PLAN OF GOVERNMENT
WITH THE CHARTER FORM OF THE COUNCIL-MAYOR PLAN OF GOVERNMENT
2005

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
FORM OF GOVERNMENT	MAYOR-COUNCIL Elected council performs policy making functions. Elected mayor administers government with the advise and consent of the council.	CHARTER Elected council performs policy making functions. Elected mayor administers government with the advice and consent of council.	No change in the plan of government, but the charter clarifies the governing roles of the mayor and council.
POWERS	General government powers	Self-government powers	The charter limits the Town's taxing authority to that of a general powers government and requires public hearings be held for any increase in fees and utility rates.
GOVERNING BODY	Council and mayor responsible for all legislative, executive and administrative functions.	Council and mayor responsible for all legislative, executive and administrative functions.	No change.
Size	4 council members elected from districts in non-partisan elections.	4 council members elected at large in non-partisan elections.	No change in number of council members but the method of their election will change from ward based elections to at large election so that all of the voters in the community will be able to vote on all council members..
Term	Four year overlapping terms.	Four year overlapping terms.	No change.
Presiding Officer	Mayor	Mayor	No change.
CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER	The elected mayor administers the government on a part time basis.	The elected mayor administers the government on a part time basis.	No change.
Powers and Duties	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	No change.
Appointment Powers	The mayor appoints department heads and members of boards and commissions with the consent of the council.	The mayor appoints department heads and members of boards and commissions with the consent of the council.	No change.
Budget Preparation	Mayor prepares the budget in cooperation with department heads. Budget is then modified and approved by the Town council.	Mayor prepares the budget in cooperation with department heads. Budget is then modified and approved by the Town council.	No change.

CERTIFICATE A
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR THE
TOWN OF SACO MONTANA

If retained by the voters, the government of Saco shall remain organized under the following provisions of 7-3-113, M.C.A. which authorizes the municipal commission-mayor form of government.

7-3-113. Statutory basis for municipal commission-mayor government.

For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal commission-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections.

- (a) 7-3-201
- (b) 7-3-202(1)
- (c) 7-3-203
- (d) 7-3-212(2)
- (e) 7-3-213(3)
- (f) 7-3-214(2)
- (g) 7-3-215(2)
- (h) 7-3-216(2)
- (i) 7-3-217(1)
- (j) 7-3-218(2)
- (k) 7-3-219(1)
- (l) 7-3-220(1)
- (m) 7-3-221(3)
- (n) 7-3-222(2)
- (o) 7-3-223(2)
- (p) 7-3-224.

7-3-201. Commission-executive form. The commission-executive form (which may be called the commission-executive, the commission-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the commission) and one elected executive (who may be referred to as the mayor) who is at large.

7-3-202 (1). Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government power;

7-3-203. Duties of the executive. The executive shall:

- (1) enforce laws, ordinances, and resolution;
- (2) perform duties required of him by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission;
- (11) appoint, with consent of the commission all members of boards; except the executive may appoint without consent of the commission temporary advisory committees established by the executive.

7-3-212 (2). Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213 (3). Supervision of personnel. The executive may appoint, with consent of the majority of the commission, all department heads and remove all other department employees.

7-3-214 (2). Veto power. The executive may veto ordinances and resolution, subject to override by a two-thirds vote of the commission.

7-3-215 (2). Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216(2) Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217 (1) Financial officer. A financial officer (who may be called the treasurer) shall be elected.

7-3-218 (2) Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219 (1) Type of election. Local government elections shall be conducted on a partisan basis.

7-3-220 (1) Chairman of commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-221 (3). Presiding officer of the commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222 (2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223 (2). Size of commission and community councils. The size of the commission shall be four (4), and community councils to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials shall be four (4) years.

We, the Study Commissioners of the Town of Saco do hereby certify that this is the existing Plan of Government as established by Section 7-3-111 MCA.

In testimony whereof, we set our hands.

Clinton R. Simpson
Monte S. Buehler
Frank Papp
LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL

Done at Saco, Montana this 7 day of DEC, 2005.

ATTEST: KL Pray cmc
Town Clerk, Town of Saco
KL Pray cmc

CERTIFICATE B
PROPOSED CHARTER
OF
THE TOWN OF SACO, MONTANA

PREAMBLE

WE, THE PEOPLE OF THE TOWN OF SACO, COUNTY OF PHILLIPS, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter.

ARTICLE I
POWERS OF THE TOWN

Section 1.01 Powers of the Town of Saco

The Town of Saco shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

The powers and authority of this self-government town shall be liberally construed. Every reasonable doubt as to the existence of a town power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Restrictions

1. The mill levy shall be limited to that of Montana municipal governments with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special municipal election.

2. No increase in any town license fee, user fee or utility charge shall be made without conducting a public hearing, as required by law.

Section 1.04 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

Section 1.05 Natural Gas Utility

1. The Town of Saco shall have all powers necessary to construct, acquire, lease, own, maintain

MEMORANDUM

TO : THE PRESIDENT

FROM : THE SECRETARY OF DEFENSE

SUBJECT: [Illegible]

[The following text is extremely faint and illegible due to the quality of the scan. It appears to be a multi-paragraph memorandum.]

and operate a natural gas utility; to explore for, develop and otherwise acquire natural gas resources; and to sell natural gas to persons within and out side of the boundaries of the municipality.

2. The town council shall adopt rules for the operation of the natural gas utility, which shall be consistent with state law.

3. The town council shall cause to be established a natural gas fund to receive, disburse and account for all revenues derived from the sale of natural gas. All such revenues may be appropriated by the town council to fund any lawful purpose of the town.

ARTICLE II LEGISLATIVE BRANCH

Section 2.01 Legislative Branch

The legislative branch shall consist of the town council, which shall be the governing body of the town.

Section 2.02 Qualifications for Office

Every resident of the Town of Saco who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution is eligible to hold the office of council member.

Section 2.03 Composition

The Town of Saco shall have a town council of four (4) members.

Section 2.04 Term of Office

Members of the town council shall be elected for four (4) year, overlapping terms of office.

Section 2.05 Election

Local government elections shall be conducted on a nonpartisan basis. Two council members shall be elected at large every two years.

Section 2.06 Chairman of the Council

The council shall have a chairman who shall be elected by the members of the council from among their own number for a term established by resolution. The chairman of the council shall preside at council meetings when the mayor is absent, and shall vote as other members of the council.

Section 2.07 Vacancy in Office

The office of council member becomes vacant as prescribed by law.

Section 2.08 Removal from Office

A council member may be removed from office by a finding, adopted by the affirmative vote of three (3) council members that the office has become vacant as prescribed by law, or by recall of the council member by the electors of Saco, as prescribed by law.

Section 2.09 Filling Vacancy on Council

When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of three (3) council members, a person possessing the qualifications for office required by law and this Charter, within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 2.10 Powers and Duties

1. The town council shall be the legislative and policy determining body of the Town. All powers of the Town shall be vested in the town council except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this Charter.

2. The council may override the mayor's veto by the affirmative vote of three (3) members of the council.

Section 2.11 Legislative Action

Unless otherwise required by law or this Charter, the affirmative vote of a majority of the council members present at a lawful meeting of the council shall be required for all official actions of the council. A minimum of three (3) council members must be present to convene a lawful meeting of the council.

Section 2.12 Procedure

The council shall establish its rules of procedure and time and place of meetings by resolution.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 The Mayor

The mayor shall be the chief executive and chief administrative officer of the town.

Section 3.02 Qualifications for Office

Every resident of the Town of Saco who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution is eligible to hold the office of mayor.

Section 3.03 Term of Office

The mayor shall be elected for a four (4) year term of office.

Section 3.04 Election

The mayor shall be nominated and elected at-large on a nonpartisan basis.

Section 3.05 Vacancy if Office

The office of mayor becomes vacant as prescribed by law.

Section 3.06 Removal from Office

The mayor may be removed from office by finding, adopted by the affirmative vote of four (4) council members that the office has become vacant as prescribed by law, or by recall of the mayor by the electors of the Town of Saco, as prescribed by law.

Section 3.07 Filling Vacancy in the Office of Mayor

When a vacancy occurs in the office of mayor the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person originally creating the vacancy. Pending such election and qualification the council shall appoint, by the affirmative vote of three (3) council members, a person possessing the qualifications for office required by law and this Charter within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 3.08 Powers and Duties

The mayor shall

1. enforce laws, Charter, ordinances, and resolutions;
2. perform the duties required by law, Charter, ordinance or resolution;
3. administer the affairs of the town government;
4. carry out policies established by the council;
5. recommend measures to the council;
6. report to the council on the affairs and financial condition of the town government;

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSION ON THE
STRUCTURE OF THE
ATOMIC NUCLEUS

BY
J. J. AUSTIN
AND
J. D. JARVIS

CHICAGO, ILLINOIS
1955

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSION ON THE
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BY
J. J. AUSTIN
AND
J. D. JARVIS

CHICAGO, ILLINOIS
1955

7. execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
8. report to the council as the council may require;
9. prepare the council agenda, preside at council meetings and may take part in council discussions;
10. execute the budget adopted by the council;
11. appoint, with the consent of the council, all members of boards, except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor.

Section 3.09 Administrative Duties

The mayor may:

1. prepare the budget in consultation with the council and department heads;
2. appoint one or more administrative assistants to assist in the supervision and operation of the town government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint, with the affirmative vote of three (3) members of the council, all department heads, including the clerk-treasurer, and may remove department heads and may appoint and remove all other department employees;
4. exercise control and supervision of all departments and boards.

Section 3.10 Legislative Authority

The mayor shall decide all tie votes of the council, but shall have no other vote. The mayor may veto ordinances and resolutions, subject to override by the affirmative vote of three (3) members of the council.

Section 3.11 Compensation

The compensation of the mayor shall be set by resolution of the town council.

ARTICLE IV JUDICIAL BRANCH

Section 4.01 Town Court

There shall be a Town court as provided by law.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 Organization of Departments

The organization of town departments shall be prescribed by ordinance.

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DEPARTMENT OF THE HISTORY OF ARTS

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ARTICLE VI GENERAL PROVISIONS

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on July 1, 2006

Section 6.03 Oath of Office

Before entering upon the duties of office, all elected town officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

Section 6.04 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE VII TRANSITION PROVISIONS

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The Study Commission shall provide for such transition with an advisory plan consistent with law. The provisions of this transition article shall not be published as part of the Charter after final adoption.

Section 7.02 Continuation in Office

No town employee or elected official holding a town office will lose employment or elected position solely because of the adoption of this Charter. Elected officials holding office on the date this Charter is adopted may continue in office until the end of the term for which they were elected.

Section 7.03 Review of Existing Ordinances

All town ordinances, resolutions and rules of the Town of Saco shall remain in effect until reviewed, revised or repealed by the town council. The town council shall review and, where necessary, revise or repeal all town ordinances to provide for compliance and consistency with his Charter and state law no later than June 30, 2007.

We, the Study Commissioners of the Town of Saco
do hereby certify that this is the proposed charter for the Town
of Saco proposed by the Study Commissioners of the Town of
Saco.

In testimony whereof, we set our hands.

Clinton L. Simpson

Monty Bush

Harold Papp

LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL

Done at Saco, Montana this 8 day of Dec., 2005.

ATTEST:

K. Ray
Town Clerk, Town of Saco

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

CHICAGO, ILLINOIS

CERTIFICATE C

**ESTABLISHING THE DATE OF THE ELECTION
AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS OF THE
TOWN OF SACO**

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Saco at a special election to be held in conjunction with the general election on November 8, 2005.

We, the Study Commissioners of the Town of Saco do hereby certify that this is the date of the special election approved by the Study Commissioners of the Town of Saco.

In testimony whereof, we set our hands.

Clinton L. Simpson
Monty S. Bruehl
David F. Foy
LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL

Done at Saco, Montana this 6 day of OCT, 2005.

ATTEST:

K. L. Raymer
Town Clerk, Town of Saco

CERTIFICATE D
ESTABLISHING THE OFFICIAL BALLOT
FOR THE NOVEMBER 8, 2005, SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference.
The full text of the proposed form of government and of the existing form of government are available at
your polling place.

OFFICIAL BALLOT
BALLOT ON ALTERNATIVE FORM OF LOCAL GOVERNMENT
Vote for One.



For adoption of the mayor-council form of government with a Charter as
Modified in the report of the Saco Local Government Study Commission.



For the existing mayor-council form of government.

We the Study Commissioners of Saco, do hereby
Certify that this is the official ballot approved
By the Study Commissioners of Saco.

In testimony whereof, we set our hands.
Done at Saco this 24 day of August.

ATTEST: *K. May CMC*

MUNICIPAL CLERK OF SACO

Clinton R. Simpson
Monte S. Bullock
Howard F. Foy

Local Government Study Commissioners

DRAFT FOR REVIEW BY CITY ATTORNEY PRIOR TO ADOPTION

RESOLUTION NUMBER 308
OF THE
SACO TOWN COUNCIL

WHEREAS, the Local Government Review Study Commission, which was duly elected by the voters of the Town of Saco, has completed its final report and has called for an election on its proposed Town charter; and

WHEREAS, 7-3-192, M.C.A. and, by reference, 7-3-149, M.C.A. require that the governing body of the local government shall call such an election;

NOW THEREFORE BE IT RESOLVED THAT:

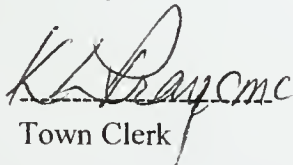
1. A special election is called to be held in conjunction with the November 8, 2005 general municipal election; and
2. The measure to be placed on the special election ballot shall be substantially as certified in the final report of the Saco Local Government Review Study Commission.

Resolved by the Saco Town Council meeting in regular session this 3rd day of August, 2005



Mayor

ATTEST


Town Clerk



MONTANA DEPARTMENT OF COMMERCE

Local Government Assistance Division
Local Government Services-Systems Program
1424 9th Avenue PO Box 200501
Helena, MT 59620-0501

Phone: (406) 444-3010
FAX: (406) 444-9785
TDD: (406) 444-2978

October 19, 1995

Mr. Harold Chambers
Montana State Library
1515 E. Sixth Avenue
PO Box 201800
Helena, MT 59620-1800

Mr. Chambers:

In accordance with Section 7-3-187, MCA, local government study commissions are to file two copies of their final report with the department of commerce, local government services bureau. One of these copies is to be forwarded by the department of commerce to the state library.

Enclosed you will find a copy of the City of Scobey's decision regarding the 1994 study commission.

Sincerely,

A handwritten signature in blue ink that reads "Marlene Hughes".

MARLENE A. HUGHES
Administrative Assistant

Enclosure

RECEIVED

OCT 18 1995

COMMERCIAL
LOCAL GOVERNMENT
SERVICES BUREAU

CITY OF SCOBEE GOVERNMENT STUDY COMMISSION

FINAL REPORT

September 26, 1995

To the Citizens of Scobey, Montana:

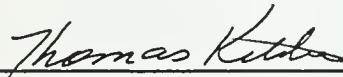
The City of Scobey Study Commission elected by the voters on November 8, 1994, present this final report to the citizens of this city.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our city government and procedures for delivery of local government services and compare them with other forms available under the laws of the state". If some change is deemed necessary, the study commission may submit such proposed change to the electors.

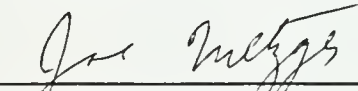
In the conduct of their review the study commission has sought advice and information from a number of people in the city. Opinions and recommendations were solicited from local government officials, community leaders, and citizens. All meetings of the study commission were open to the public. A community survey was taken, ads were placed in the county newspaper, and public hearings were held to determine citizen opinion.

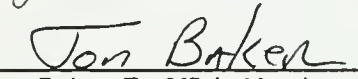
As a result of discussions held with the people and groups mentioned, the City of Scobey Study Commission has concluded that there is general consensus that the existing Mayor/Council form of government has served this city well since its organization in 1914, and will continue to do so in the future. We therefore recommend no change in this form of government.

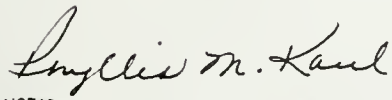
Respectfully submitted,


Thomas Kibbe, Chairman


Lloyd Humbert, Member


Joe Metzger, Member


Jon Baker, Ex-Officio Member


NOTARY PUBLIC FOR THE STATE OF MONTANA
RESIDING AT SCOBEE, MONTANA
MY COMMISSION EXPIRES 12-31-1997



MONTANA DEPARTMENT OF COMMERCE

Local Government Assistance Division
Local Government Services Bureau
1424 9th Avenue PO Box 200501
Helena, MT 59620-0501

Phone: (406) 444-3010
FAX: (406) 444-2903
TDD: (406) 444-2978

June 5, 1995

Mr. Harold Chambers
Montana State Library
1515 E. Sixth Avenue
PO Box 201800
Helena, MT 59620-1800

Mr. Chambers:

In accordance with Section 7-3-187, MCA, local government study commissions are to file two copies of their final report with the department of commerce, local government services bureau. One of these copies is to be forwarded by the department of commerce to the state library.

Enclosed you will find a copy of the City of **St. Ignatius's** decision regarding the 1994 study commission.

Sincerely,


MARLENE A. HUGHES
Administrative Assistant

Enclosure

ST. IGNATIUS CITY GOVERNMENT STUDY COMMISSION FINAL REPORT

To the Citizens of the city of St. Ignatius:

The St. Ignatius Government Review Study Commission elected by the voters on November 8, 1994, or thereafter appointed present this final report to the citizens of this city.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our city government and procedures for delivery of local government services and compare them with other forms available under the laws of the state." If some change is deemed necessary, the study commission may submit such proposed change to the electors.

In the conduct of their review the study commission has sought advice and information from a number of people in the city. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings were open to the public. Public hearings were held to determine citizen opinion.

As a result of discussions held with the people and groups mentioned the St. Ignatius City Government Review Study Commission has concluded that there is general consensus that the existing form of government has served this city well since its organization and will continue to do so in the future. We therefore recommend no change in this form of government.

Respectfully submitted,

RECEIVED

JUN 1 1995

COMMERCE
LOCAL GOVERNMENT
SERVICES BUREAU

Stephen Bain
Chair

John J. Hoff
Vice Chair

P. J. Sordani
Secretary

St. Ignatius Government Review Study
Commission

3
352.0786
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Local Government Study Commission
final report for Shelby

RECEIVED

MAY 04 1996

COMMERCIAL
LOCAL GOVERNMENT
SERVICES BUREAU

I. LETTER TO THE CITIZENS OF THE CITY OF SHELBY

To the citizens of Shelby:

The Shelby Local Government Study Commission elected by the voters on November 8, 1994, or thereafter appointed, present this final report to you, the citizens of Shelby.

The purpose of the study commission, as defined by state law, is "to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state." After completing these two phases of the study, it is the responsibility of the study commission to submit a final report recommending no change; or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

In every phase of this review this study commission sought advice and information from as many people in the city as possible. Present council members, the mayor, city clerk and city superintendent were all interviewed during the study of the existing form of government. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were open to the public. Commission members appeared before various community organizations to explain the work of the commission and also to hear the viewpoints, ideas, and concerns of those present. Public hearings were held and a newspaper mail-in survey was conducted.

Our recommendations reflect the thoughts and opinions of those who participated in public hearings, those who attended our regular meetings, those who responded to the survey, and opinions expressed during personal contacts with many citizens of the city in addition to the independent efforts of this study commission.

In this final report we present our recommendations for retention of the present Mayor-Council form of government with the adoption of a charter providing for self-government powers. We feel this will better provide the government services expected by the people, both today and in the future, and allow the flexibility to better address new situations and problems as they arise. Our concern has been to provide a form of government that will be responsive to local citizens, be able to respond to the ever-changing demands brought about by government mandates, and yet still have some means of controlling costs. We feel the citizens of Shelby can best achieve these goals by retaining the present Mayor-Council form of government with a charter providing for self-government powers and including the amendments in the proposed charter.

The question of adopting this amended form of the present government will be placed on the ballot November 5, 1996. We solicit your support for its adoption.

STATE DOCUMENTS COLLECTION

MAY 07 1996

MONTANA STATE LIBRARY
1915 E. 6th AVE.
HELENA, MONTANA 59620

Respectfully submitted,

Ken W. Atkinson
Betty L. Teague
Karen Hallgren
Donna Johnson

Shelby Local Government Study Commission

TABLE OF CONTENTS

- I. LETTER TO THE CITIZENS OF THE CITY OF SHELBY
- II. SUMMARY OF RECOMMENDATIONS
 - A. Findings of the Study Commission
 - B. Key Provisions of the Proposed Form
 - 1. Self-government powers
 - 2. Requirement for four affirmative votes for council action
 - 3. Control over rising fees
- III. Minority Report
- IV. COMPARISON OF EXISTING FORM OF GOVERNMENT AND PROPOSED FORM OF GOVERNMENT
 - A. Existing Form - Description of General Characteristics
 - B. Proposed Form - Description of General Characteristics
 - C. Comparison of Specific Characteristics
 - D. Recommendations and Reasons

APPENDIX

- Exhibit A: Certificate of plan of existing form of government.
- Exhibit B: Certificate of plan of proposed form of government
- Exhibit C: Certificate establishing Apportionment Plan
- Exhibit D: Certificate establishing election date
- Exhibit E: Certificate establishing form of the ballot

II. SUMMARY OF RECOMMENDATIONS

The Shelby Local Government Study Commission, having thoroughly studied our present form of city government and the alternative forms of government available to cities under state law, and having considered the future government needs of this city, recommends the following:

1. The City of Shelby should adopt, effective January 1, 1997, a Charter providing for self-government powers. It shall retain the present Mayor-Council form of government essentially unchanged as to number of council members, terms of office, and method of election.
2. Elections will continue to be conducted on a non-partisan basis.
3. The Charter shall be submitted to the voters of the City of Shelby on November 5, 1996.

A. Findings of the Study Commission

After many months of study it is the decision of this study commission to recommend changes in the city government that will provide a more flexible government framework in order to meet the changing needs of the city as well as address the increasing demands put upon municipalities by government mandates. Problem areas that were identified during the course of the study by research, discussion, public hearings, and testimony of public officials and citizens indicate a strong concern regarding rising costs and what appears to be a clearly divided council. It is the intention of this commission to address those two areas in the proposed Charter.

The present form of city government has existed in Shelby since the incorporation of the city essentially unchanged. This form of government reflects its traditional role as an administrative arm of the state government in its organizational structure. Its duties are detailed in state law and its authority to deal with local problems is limited.

The needs of the city, however, have changed and continue to change rapidly. State and federal government continues to put demands upon municipalities in the form of unfunded mandates that have caused many compliance problems for small cities along with heavy financial burdens. It is felt that self-government powers will allow the city much more flexibility in responding to these demands as well as allowing it more flexibility in addressing all local problems.

Other areas of concern also emerged during the course of the study that affected the study commission's choice of the form of government. The newspaper survey indicated much concern over rising costs. While it is clearly recognized that costs of government obviously must increase if we are to maintain services and our infrastructure, it was felt there must be some control over how much these costs can be allowed to rise in order to protect those citizens on fixed incomes. Also, there appears to be a great deal of disharmony present at the council level and it was felt this problem should be addressed. These areas of concern led the study commission to identify three basic goals:

1. Local control over local problems;
2. Control of rising costs;
3. Government that is responsive to its citizens and acts as a unified group.

In an attempt to achieve these goals, the study commission has recommended a Charter that provides for self-government powers, includes provisions for controlling rising fees and costs put upon citizens and encourages a more unified council that will cooperate better as a group.

B. Key Provisions of the Proposed Charter

1. Self-Government Powers

Under the 1972 State Constitution, the potential power and authority of local government has been changed. Traditionally, the power over governmental concerns of the city has been the prerogative of the state legislature. The legislature decided what city government should do and how it should do it.

The new constitution provides that "self-government powers" can be adopted by cities along with an alternative form of government. The adoption of self-government powers would alter the traditional relationship between the state and the city. Certain areas of control would be transferred from the state legislature to the city council. Some decisions that are now made on a state-wide basis by the legislature could be made at the local city level. State-wide uniformity, while still mandated in certain areas, could be replaced in other areas with procedures tailored to the particular needs of our city. Self-government powers would mean greater flexibility in shaping our government structure, greater power to solve our own local problems, and more responsibility to recognize and deal with these local problems.

2. Control of Rising Costs

The charter specifically addresses this problem in Section 1.03 by limiting the increase of city taxes and fees to no more than one and one-half (1 1/2) percent in any fiscal year except with the prior approval of a majority of the electors voting on the question in a general or special election. This does not include city operated utilities which must meet the funding requirements established by law.

3. Government that is responsive to its electors and acts as a unified body

Section 2.12 provides a need for the affirmative vote of at least four of the six council members for all official actions of the council. This clearly puts the authority for all actions of the city council in the hands of the council members and requires them to act together in a more unified manner in order to conduct business.

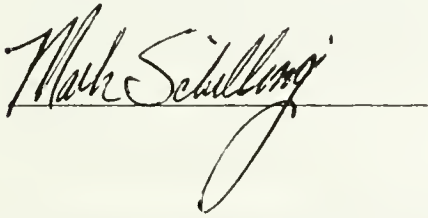
III. Minority Report - See Attached Letter From Mark Schilling

SHELBY STUDY COMMISSION MINORITY REPORT

THE STUDY OF THE VARIOUS FORMS OF GOVERNMENT IS A COMPLEX
AND INTRIGUING MATTER TO SAY THE LEAST!

SHELBY'S GOVERNMENT IS ONLY AS GOOD AS IT'S ELECTED OFFICIALS,
JUST REMEMBER WHO ELECTED THEM TO THOSE POSITIONS. DUE TO MINIMAL
PUBLIC INPUT AND A LACK OF ADEQUATE TIME ON MY OWN BEHALF TO TRULY
GET A FEEL FOR THE MAJORITY'S DECISION TO PROPOSE THE ADOPTION
OF A CHARTER, IT IS MY OPINION THAT THE PRESENT FORM OF GOVERNMENT
COMMISSION EXECUTIVE (COUNCIL MAYOR) IS ADEQUATE FOR THE CITIZENS
OF THE CITY OF SHELBY.

RESPECTFULLY SUBMITTED

A handwritten signature in cursive script, reading "Mark Schilling", is written over a horizontal line. The signature is fluid and stylized, with a long, sweeping underline that extends to the right.

IV. COMPARISON OF THE EXISTING FORM OF GOVERNMENT AND THE PROPOSED FORM OF GOVERNMENT

EXISTING FORM

Description of General Characteristics

Policy-making and administrative structure. The traditional form of city government has existed in Shelby since the incorporation of the city. In structure and power it reflects its role as an administrative arm of state government. It consists of a Mayor and a City Council with departmental heads appointed by the council.

The six members of the City Council are elected by the electors in the city with two council members from each of three wards. These two council members are elected by the voters of the ward which they represent and have overlapping terms with the term of one council member from each ward expiring every two years. Each council member must reside in the ward he represents and council members are elected on a non-partisan basis.

The City Council members function as the executive and legislative branch of city government and are responsible for the administration of the business of the city as outlined in state law. They approve the budget, levy fees and taxes, issue bonds, enter into contracts, approve claims, enact city ordinances, and may buy, sell and lease city property. They also have the responsibility to appoint department heads and set salaries of city employees.

Structures for the delivery of services. Major city provided services include:

Record keeping functions

Financial administration

Maintenance of city streets, sewer lines and water lines

Public safety and judicial administration (such as the combined law enforcement, city attorney and city court system.)

Recreation

Parks

Planning and development

Power and authority of city government. One of the most important provisions in the proposed form of government is self-government powers. Under the existing form of government, Shelby operates with limited powers which are restricted by the so-called "Dillon Rule." This judicial interpretation states that local governments have only those powers specifically granted to them by state legislature. It further provides that if there is any doubt as to the existence of a local government power, the power is to be denied.

PROPOSED FORM

Description of General Characteristics

Policy-making and administrative structure. This function remains essentially unchanged with the make-up of the government remaining the same; a Mayor and six-member City Council. The method of electing the City Council, their terms of office, and their functional duties remain essentially the same.

Structure for the delivery of services. This portion of the government is unchanged.

Power and authority of city government. This is primarily the only characteristic of government that is changed by the Charter. The self-government powers provided by the Charter allow the government more flexibility in addressing the needs of the city as has been previously discussed. The authority of city government is somewhat more limited due to the cap put on the amount taxes and fees can be increased. Also, the requirement for four affirmative votes in order to take official action limits what the council can do unless it acts as one body for the good of the City.

Comparison of Specific Characteristics of Existing and Proposed forms of Government

The following chart compares 10 characteristics of the existing form of city government with the proposed form of government. Under the last column entitled "comments" the study commission has included short summaries of why they are proposing the changes if there is a change.

Recommendation and Reasons

The first responsibility of the study commission was to study and evaluate the present form of government in this city; the second responsibility was to compare the existing form with alternative forms available in Montana and then to decide whether or not to offer an alternative that can best meet the needs of this city to the voters.

The decision of the Shelby Local Government Study Commission to recommend a Charter with self-government powers and limitations on the powers of the council is made in the belief that such a government can best meet city needs as identified during the course of this study.

TABLE OF COMPARISON

(See attached table.)

TABLE OF COMPARISON

	Existing Form	Proposed	Comments
1. Form of Government	Mayor-Council	Mayor-Council form with a charter that provides for self-government powers.	Retains the present form of government with the additional control by local citizens that is offered under the limitations specifically stated in the charter.
2. Powers	General government powers: State law defines what local governments may do and specifies how it shall or may be accomplished	Self-government powers: A local government unit that adopts a self-government charter may exercise any power not prohibited by the state constitution, law, or the charter itself.	Allows the city more flexibility in addressing the rapid and constant changes brought about by modern technology and by federal legislation and mandates while still affording local citizens a controlling mechanism.
3. Governing body	Council is elected by ward, non-partisan. Mayor is elected at large non-partisan.	Same	No change
4. Term	Six council members, 4-year overlapping terms, Mayor four years.	Same	No change
5. Presiding officer	Mayor	Same	No change
6. Duties	Council is the legislative policy-making body.	Same with the addition of the requirement that it takes an affirmative vote of four council members to transact business.	This requires the council to be more in agreement when changes are made or action is taken and encourages cooperation and compromise.
7. Chief Administrative Officer	Mayor	Same	No change
8. Appointive powers	Mayor appoints and removes all department heads with the approval of the council.	Same	No change
9. Budget Preparation	Mayor shall prepare and execute the budget with the approval of the council.	Same	No change
10. Powers of Mayor	Mayor shall appoint and remove City employees upon recommendation of department heads and with the approval of the council, prepare and execute the budget, administer the local government, and have veto power.	Same	No change

CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR THE
CITY OF SHELBY, MONTANA

If retained by the voters, the government of Shelby shall remain organized under the following provisions of 7-3-113, M.C.A. which authorizes the municipal council-mayor form of government.

7-3-113. Statutory basis for municipal council-mayor government.

(1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(3);
- (j) 7-3-218(2);
- (k) 7-3-219(2);
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

Authorized by 7-4-4102(4) M.C.A.

(City Resolution authorizes nonpartisan elections pursuant to 13-1-104(1) M.C.A.)

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

These sections establish the following form of government which shall be called the COMMISSION-EXECUTIVE FORM.

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general

government powers.

7-3-203. Duties of the executive. The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission;
- (11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-212. Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213. Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

7-3-214. Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215. Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217. Financial officer. A financial officer (who may be called the treasurer) shall be selected as provided by ordinance.

7-3-218. Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219. Type of election. Local government elections shall be conducted on a nonpartisan basis.



7-3-220. **Chairman of commission.** The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-221. **Presiding officer of the commission.** The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222. **Terms of commission members.** Commission members shall be elected for overlapping terms of office.

7-3-223. **Size of commission and community councils.** The size of the commission shall be six (6), and community councils to advise commissioners may be authorized by ordinance.

7-3-224. **Terms of elected officials.** The term of office of elected officials shall be four (4) years.

We, the Study Commissioners of the City of Shelby do hereby certify that this is the existing Plan of Government as established by Section 7-3-113 M.C.A.

SEAL

In testimony whereof, we set our hands.

Done at Shelby, Montana this 5th day of Sept, 1996.

ATTEST:

Joanne Wright
Joanne Wright, City Clerk

Kevin Watterud
Kevin Watterud, Chair

Betty Teague
Betty Teague

Irene Gottfried
Irene Gottfried

Donna Lemmon
Donna Lemmon

Mark Schilling
Mark Schilling

**CHARTER
FOR
THE CITY OF SHELBY**

PREAMBLE

WE, THE PEOPLE OF THE CITY OF SHELBY, COUNTY OF TOOLE,
STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of
Montana, do hereby adopt this Charter.

**ARTICLE I
POWERS OF THE CITY**

Section 1.01 Powers of the City of Shelby

The City of Shelby shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

The powers and authority of this city shall be liberally construed. Every reasonable doubt as to the existence of a city power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Restrictions

1. The mill levy shall be limited to that of Montana municipal governments with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special municipal election.

2. There shall be no new tax or fee levied, except with the prior approval of a majority of the electors voting on the question in a general or special municipal election.

3. With the exception of fees for city operated utilities, no city tax or fee shall be increased by more than one and one-half (1 1/2) percent in any fiscal year except with the prior approval of a majority of the electors voting on the question in a general or special municipal election. Following a public hearing, fees for city operated utilities may be increased as necessary to meet the funding requirements established by law.

Section 1.04 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

ARTICLE II LEGISLATIVE BRANCH

Section 2.01 City Council

The legislative branch shall consist of the city council which shall be the governing body of the city.

Section 2.02 Qualifications for Office

Every resident of the City of Shelby who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution is eligible to hold the office of council member for the district in which he or she resides.

Section 2.03 Composition

The City of Shelby shall have a city council of six (6) members, two of whom shall be elected from each of three (3) districts.

Section 2.04 Term of Office

Members of the council shall be elected for four (4) year overlapping terms of office.

Section 2.05 Election

Local government elections shall be conducted on a nonpartisan basis. Council members shall be elected by districts in which candidates must reside and which are apportioned by population. One council member from each district shall be elected every two (2) years.

Section 2.06 Division of the City into Districts

Following each decennial federal census, the city council shall cause the city to be divided into three districts as compact and equal in population as possible.

Section 2.07 Chairman of the Council

The council shall have a chairman who shall be elected by the members of the council from their own number for a term established by ordinance. The chairman of the council shall vote as other council members and preside when the mayor is absent.

Section 2.08 Vacancy in Office

The office of council members becomes vacant as prescribed by law.

Section 2.09 Removal from Office

A council member may be removed from office by a finding, adopted by the affirmative vote of four (4) council members that the office has become vacant as prescribed by law, or by the recall of the council member by the electors of Shelby, as prescribed by law.

Section 2.10 Filling Vacancy on Council

When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall appoint within 30 days of the vacancy, by the affirmative vote of four (4) council members, a qualified resident of the district where the vacancy occurs to hold the office until the successor is elected and qualified.

Section 2.11 Powers and Duties

The Council shall be the legislative and policy determining body of the city. All powers of the city shall be vested in the city council except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this Charter.

Section 2.12 Legislative Action

The affirmative vote of at least four (4) members of the council shall be required for all official actions of the council. A minimum of four (4) council members must be present when official actions are taken by the council. The council may override the mayor's veto with four (4) affirmative votes of the council.

Section 2.13 Restrictions on the Council

Except where authorized by law, no council member shall hold any other city office or city employment for compensation.

Section 2.14 Procedure

The council shall establish its rules of procedure and time and place of meetings by resolution.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 The Mayor

The mayor shall be the chief executive and administrative officer of the city.

Section 3.02 Qualifications for Office

Every resident of the City of Shelby who is 21 years of age or older and a citizen of Montana for three (3) years, and a resident of the City of Shelby for at least two years preceding the election to office is eligible to hold the office of mayor.

Section 3.03 Term of Office

The mayor shall be elected for a four (4) year term of office.

Section 3.04 Election

The mayor shall be nominated and elected at-large on a nonpartisan basis.

Section 3.05 Vacancy in Office

The office of mayor becomes vacant as prescribed by law.

Section 3.06 Removal from Office

The mayor may be removed from office by a finding, adopted by the affirmative vote of four (4) council members that his or her office has become vacant as prescribed by law, or by the recall of the mayor by the electors of Shelby, as prescribed by law.

Section 3.07 Filling Vacancy of Mayor

When a vacancy occurs in the office of mayor, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person originally creating the vacancy. Pending such election and qualification the council shall appoint within 30 days of the vacancy, by the affirmative vote of four (4) council members, a qualified resident to hold the office until the successor is elected and qualified.

Section 3.08 Powers and Duties:

The mayor shall:

1. enforce laws, Charter, ordinances, and resolutions;
2. perform duties required of him by law, Charter, ordinance or resolution;
3. administer affairs of the city government;
4. carry out policies established by the council;
5. recommend measures to the council;
6. report to the council on the affairs and financial condition of the city government;
7. execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
8. report to the council as the council may require;
9. preside at council meetings and may take part in discussion;
10. execute the budget adopted by the council;
11. appoint, with the consent of the council, all members of boards; except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor.

Section 3.09 Administrative Duties

The mayor may:

1. prepare the budget in consultation with the council and department heads;
2. appoint one or more administrative assistants to assist in the supervision and operation of the city government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint, with the consent of the council, all department heads and remove department heads and may appoint and remove all other department employees;
4. exercise control and supervision of all departments and boards.

Section 3.10 Legislative Authority

The mayor may veto ordinances and resolutions, subject to override by the affirmative vote of four (4) members of the council.

Section 3.11 Compensation

The compensation of the mayor shall be set by ordinance of the city council.



**ARTICLE IV
JUDICIAL BRANCH**

Section 4.01 City Court

There shall be a city court as provided by law.

**ARTICLE V
DEPARTMENT STRUCTURE**

Section 5.01 Organization of Departments

The organization of city departments shall be prescribed by ordinance.

**ARTICLE VI
GENERAL PROVISIONS**

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on January 1, 1997.

Section 6.03 Oath of Office

Before assuming the duties of office, all elected city officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

Section 6.04 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

**ARTICLE VII
TRANSITIONAL PROVISIONS**

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The Shelby Study Commission shall provide for such transition with an advisory plan consistent with law. The provisions of this transition article shall not be published as part of the Charter after January 1, 1998.

Section 7.02 Continuation in Office

No current city employee or elected official currently holding a city office will lose employment or elected position solely because of the adoption of this Charter. Existing elected officials may continue in office until the end of the term for which they were elected.

Section 7.03 Review of Existing Ordinances

All city ordinances, resolutions and rules of the City of Shelby shall remain in effect until reviewed, revised or repealed by the city council. The city council shall review and, where necessary, revise or repeal all city ordinances to provide for compliance and consistency with this Charter and state law no later than January 1, 1998.

SEAL

We the Shelby Study Commission do hereby certify that this is the proposed plan of government approved by the Shelby Study Commission

In testimony whereof, we set our hands.

Done at Shelby this 5th day of Sept, 1996.

ATTEST:

JoAnn Wright
JoAnn Wright, City Clerk

Kevin Watterud
Kevin Watterud, Chair

Betty Teague
Betty Teague

Irene Gottfried
Irene Gottfried

Donna Lemmon
Donna Lemmon

Mark Schilling

CERTIFICATE
FOR THE APPORTIONMENT
OF COMMISSIONER DISTRICTS

Districts described by census block with population and deviation from ideal are shown.

WARD	1990 POPULATION	% DEVIATION FROM IDEAL POPULATION
1	598	4%
2	607	3%
3	673	7.5%

Notes:

1. Ideal population is calculated by dividing the total 1990 population of the City of Shelby by the number of districts ($2,763/3 = 921$).
2. The 1990 population is derived from the U.S. Bureau of the Census 1990 TIGER and P.L. 94-171 Digital Data Files.

We, the Shelby Local Government Study Commission of Shelby, Montana do hereby certify that this is the official apportionment plan for commissioner districts approved by the Study Commission of Shelby.

SEAL

In testimony whereof, we set our hands.

Done at Shelby, Montana this 5th day
of Sept., 1996.

ATTEST: Jo Anne Wright
Joanne Wright, City Clerk

Kevin Watterud
Kevin Watterud, Chair

Betty Teague
Betty Teague

Irene Gottfried
Irene Gottfried

Donna Lemmon
Donna Lemmon

Mark Schilling

CERTIFICATE

ESTABLISHING THE DATE OF THE SPECIAL ELECTION
AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS OF
SHELBY, MONTANA

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Shelby, at a special election to be held with the general election on November 5, 1996.

We, the Study Commissioners of the City of Shelby do hereby certify that this is the date of the special election approved by the Shelby Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Shelby, Montana this 5th day of Sept, 1996.

ATTEST:

Joanne Wright
Joanne Wright, City Clerk

Kevin Watterud
Kevin Watterud, Chair

Betty Teague
Betty Teague

Irene Gottfried
Irene Gottfried

Donna Lemmon
Donna Lemmon

Mark Schilling
Mark Schilling

CERTIFICATE
ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 5, 1996, SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT

BALLOT ON THE ALTERNATIVE FORM OF GOVERNMENT

Vote for One.

- ☐ FOR adoption of the self government charter with the commission-executive plan of government proposed for Shelby proposed by the Shelby Local Government Study Commission.
- ☐ FOR the existing form of government.

We, the Study Commissioners of the City of Shelby do hereby certify that this is the official ballot approved by the Shelby Local Government Study Commission.

SEAL

In testimony whereof, we set our hands.

Done at Shelby, Montana this 5th day of Sept, 1996.

ATTEST:

Joanne Wright
Joanne Wright, City Clerk

Kevin Watterud
Kevin Watterud, Chair

Betty Teague
Betty Teague

Irene Gottfried
Irene Gottfried

Donna Lemmon
Donna Lemmon

Mark Schilling





MONTANA DEPARTMENT OF COMMERCE

Local Government Assistance Division
Local Government Services-Systems Program
1424 9th Avenue PO Box 200501
Helena, MT 59620-0501

Phone: (406) 444-3010
FAX: (406) 444-9785
TDD: (406) 444-2978

September 26, 1996

Mr. Harold Chambers
Montana State Library
1515 E. Sixth Avenue
PO Box 201800
Helena, MT 59620-1800

STATE DOCUMENTS COLLECTION

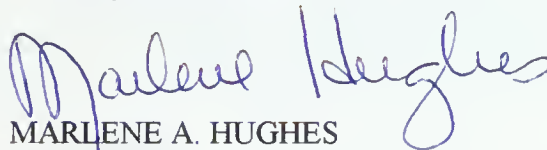
1996
MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

Mr. Chambers:

In accordance with Section 7-3-187, MCA, local government study commissions are to file two copies of their final report with the department of commerce, local government services bureau. One of these copies is to be forwarded by the department of commerce to the state library.

Enclosed you will find the **final** copy of the City of Sidney's decision regarding the 1994 study commission.

Sincerely,



MARLENE A. HUGHES
Program Specialist
444-1458

Enclosure

STATE OF MONTANA
County of Richland
City of Sidney

RECEIVED

SEP 18 1996

I, Dorothy Paladichuk, the duly authorized, qualified and acting City Clerk of the City of Sidney, Montana, do hereby certify that the attached is a true, correct and compared copy of records of the City of Sidney, Montana, in my office in the City Hall.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the City of Sidney, Montana, this 12th day of September, 1996.

Dorothy Paladichuk
CITY CLERK

to determine citizen opinion.

After an intensive study of the government of the City of Sidney, it is the opinion of the local government study commission that this community has an efficient and responsive government. Since its incorporation in 1911, Sidney has been fortunate enough to attract capable, dedicated people to administer the affairs of the city. As a result of this, we have a community widely admired across the state of Montana.

As a result of discussions held with the people and groups mentioned the City of Sidney Study Commission has concluded that there is general consensus that the existing Mayor/Council form of government has served this City well, and will continue to do so in the future. We therefore recommend no change in this form of government.

Respectfully submitted,

Eldon F. Kemmis

Chair

Bill Wilkinson

Vice Chair

Paul Lebeck

Secretary

Paul L. Graham

Member

Anne Edlison

Member

Paul Edlison

Member



RECEIVED
SEP 16 1996
COMMITTEE
LOCAL GOVERNMENT
SERVICES BUREAU

CITY OF SIDNEY STUDY COMMISSION FINAL REPORT

The City of Sidney Study Commission elected by the voters on November 8, 1994, or thereafter appointed present this final report to the citizens of Sidney.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our city government and procedures for delivery of local government services and compare them with other forms available under the laws of the state". If some change is deemed necessary, the study commission may submit such proposed change to the electors.

In the conduct of their review the study commission has sought advice and information from a number of people in the city. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were open to the public. Public hearings were held to determine citizen opinion.

After an intensive study of the government of the City of Sidney, it is the opinion of the local government study commission that this community has an efficient and responsive government. Since its incorporation in 1911, Sidney has been fortunate enough to attract capable, dedicated people to administer the affairs of the city. As a result of this, we have a community widely admired across the state of Montana.

As a result of discussions held with the people and groups mentioned the City of Sidney Study Commission has concluded that there is general consensus that the existing Mayor/Council form of government has served this City well, and will continue to do so in the future. We therefore recommend no change in this form of government.

Respectfully submitted,

Eldon F. Kemmis

Chair

Bill Wilkinson

Vice Chair

Paula L. Loeck

Secretary

Paula L. Loeck

Member

Anne Elletson

Member

David D. Dwyer

Member





MONTANA DEPARTMENT OF ADMINISTRATION

Local Government Services Bureau-Systems Program

301 South Park Avenue Room 340
PO Box 200547
Helena, MT 59620-0547

Phone: (406) 841-2909
FAX: (406) 841-2910
TDD: (406) 444-1421

August 31, 2005

STATE DOCUMENTS COLLECTION

MAR 13 2006

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

Montana State Library
1515 E Sixth Avenue
Helena, MT 59620-1800

RE: Local Government Study Commission Reports

As required in 7-3-187, MCA, we are required to forward to the State Library a copy of the final reports of local government study commissions that we receive in our office. Enclosed is a copy of the Town of **Stanford's** 2004 Local Government Study Commissions report for your files.

Sincerely,

A handwritten signature in blue ink that reads "Marlene Hughes".

MARLENE A. HUGHES

Program Specialist

Local Government Services Bureau/Systems
841-2900

Enclosure

Contact: James Kammerer – 444-5432
State Library

August 10, 2005

Town of Stanford,
Town Council
Mandy Kelly, Clerk
Stanford, MT 59479

Dear Council Members,

Enclosed you will find the documents from the Town of Stanford Local Government Review Study Commission meetings and findings. We feel the report satisfies requirements of Montana law, (7-3-187).

The committee comprised of Doug Kramer, Lela Trusty and Rosemary Youderian determined that the present Council-Mayor form of government has served the community well, and that services would not be improved, or other concerns better met by a different form of government.

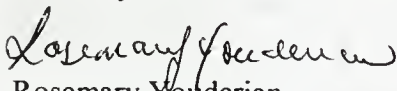
As part of our information gathering activities, a survey was made available to citizens of Stanford. A tally of responses is included in this packet along with a summary of comments from the survey. Comments from the citizens are passed on to the council to address, as provided for by Montana law (7-3-190) and the council is obliged to react to the comments within 1 year. Our responsibility was only to study the form of government, and not address specific problems.

A copy of our final report will be published in the Judith Basin Press. Copies of the documents should be available from the Town Clerk for anyone who wishes to examine them.

Copies of the documents will be forwarded to Montana Department of Administration.

Please contact me if you have questions about our activities or conclusions.

Sincerely,


Rosemary Youderian
Chairperson

Enclosures:
Minutes of meetings
Survey
Survey results
Comments from survey
Oath of office
Organizational chart for form of government
Draft report
Final Report

TOWN OF STANFORD GOVERNMENT STUDY COMMISSION FINAL REPORT

July 7, 2005

To the Citizens of the Town of Stanford, Montana:

The Town of Stanford Government Study Commission elected by the voters on November 8, 2004, or thereafter appointed presents this final report to the citizens of this town.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our town government and procedures for delivery of local government services and compare them with other forms available under the laws of the state". If some change is deemed necessary, the study commission may submit such proposed change to the electors.

In the conduct of their review the study commission has sought advice and information from a number of people in the town. Opinions and recommendations were solicited from local government officials and citizens. All meetings of the study commission were open to the public. Public input was requested.

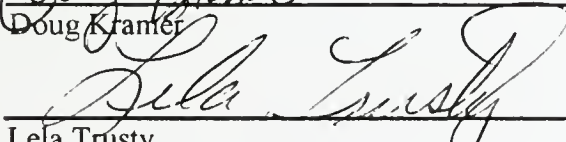
As a result of the discussions held with the people mentioned, the Town of Stanford Local Government Study Commission has concluded that the existing Commission/Executive form of government has served this town well and will continue to do so in the future. We do not think services will be improved, or other concerns will be better addressed by a different form of government. We therefore recommend no change in this form of government.

We thank the citizens for expressing their comments and concerns; they will be passed on to the Town Council for action. We encourage citizens to become involved and stay involved in city government by running for office, attending meetings, and volunteering time and resources to assist in improvements to the town.

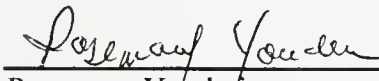
Respectfully submitted,


Doug Kramer

8/10/05
Date


Lela Trusty

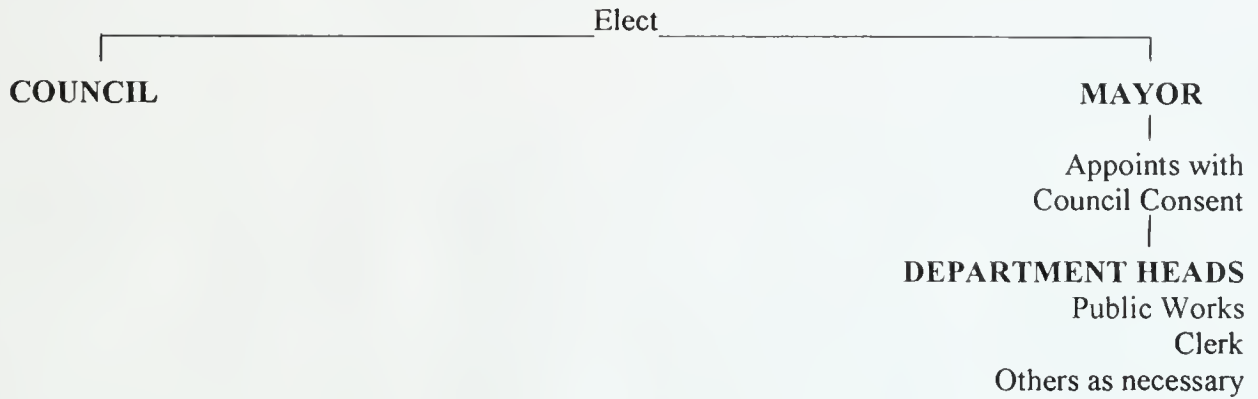
8-10-05
Date


Rosemary Youderian

8/10/05
Date

ORGANIZATION OF THE COUNCIL-MAYOR
FORM OF MUNICIPAL GOVERNMENT
FOR THE TOWN OF STANFORD, MONTANA

VOTERS





MONTANA DEPARTMENT OF COMMERCE

Local Government Assistance Division
Local Government Services-Systems Program
1424 9th Avenue PO Box 200501
Helena, MT 59620-0501

Phone: (406) 444-3010
FAX: (406) 444-9785
TDD: (406) 444-2978

March 26, 1996

Mr. Harold Chambers
Montana State Library
1515 E. Sixth Avenue
PO Box 201800
Helena, MT 59620-1800

STATE DOCUMENTS SECTION

APR 01 1996

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

Mr. Chambers:

In accordance with Section 7-3-187, MCA, local government study commissions are to file two copies of their final report with the department of commerce, local government services bureau. One of these copies is to be forwarded by the department of commerce to the state library.

Enclosed you will find a copy of the Town of **Stevensville's** decision regarding the 1994 study commission.

Sincerely,


MARLENE A. HUGHES
Program Specialist

Enclosure

PLEASE RETURN

TOWN OF STEVENSVILLE

RECEIVED
7 6 1996
CITY OF
LOCAL GOVERNMENT
SERVICES BUREAU

**LOCAL GOVERNMENT
STUDY COMMISSION**

**FINAL REPORT
MARCH 1996**

Town of Stevensville

Town Council, January 1995

Bill Meisner, Mayor
Judith Parker, Ward 1
Ben Longbottom, Ward 1
Floyd Kauffman, Ward 2
Julie Wallace, Ward 2

Town Council, January 1996

Bill Meisner, Mayor
Skip Tool, Ward 1
Ben Longbottom, Ward 1
Tom Brown, Ward 2
Julie Wallace, Ward 2

Study Commission, January 1995

Ron Kapor
Bill Perrin
Bill Taylor
Skip Tool
Peg Whitesitt
Julie Wallace, ex-officio
Tina Schwartzman, Secretary

Study Commission, January 1996

Dave DelSordo
Ron Kapor
Bill Perrin
Bill Taylor
Peg Whitesitt
Julie Wallace, ex-officio
Tina Schwartzman, Secretary

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LETTER TO THE CITIZENS OF STEVENSVILLE

To the Citizens of Stevensville:

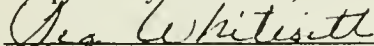
You elected us to serve on a local government study commission in the November 8, 1994 election. State law defines our purpose as studying the existing form, powers and services provided by the Stevensville government and comparing it with other forms available. After completing this study we will submit a final report to you recommending no change, proposing an amendment to the existing form, or offering an alternative form.

Throughout our study we sought advice and information from as many people in the town as possible. We interviewed the mayor, council members, town employees, and conducted a telephone survey of residents in the Stevensville area. All of our meetings were open to the public. Generally, we found that town officials, employees and residents perceive the government is functioning well, and people have positive feelings about the town. Our recommendations reflect the thoughts and opinions of the people we interviewed, those who attended our meetings, those who responded to the survey, experts in the field of local government law, and the independent efforts of this commission.

In this final report we present our recommendations for two amendments that we feel will better provide governmental services today and in the future. We propose changing the methods of electing town council members from partisan to nonpartisan and from a ward system to at-large. In addition, we address issues of growth, crime, coordination, and communication and their impacts on town government in recommendations to town officials and employees. Our concern has been to provide a form of government that will be responsive to local citizens and provide opportunities for solving local problems.

We held a public meeting February 29, 1996 to present and discuss our tentative report. Proposed amendments will be placed on the ballot June 4, 1996. We solicit your support for their adoption.

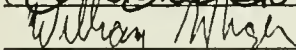
Respectfully submitted,











Stevensville Study Commissioners

SUMMARY OF RECOMMENDATIONS

The Stevensville Local Government Study Commission recommends the following:

An amendment to the present form of government changing the type of election of town council members from partisan to nonpartisan.

An amendment to the present form of government changing the selection of town council members from districts (wards) in which candidates must reside and which are apportioned by population to elected at-large.

Findings of the Study Commission

After an intensive 15-month study, the Stevensville Study Commission recommends two amendments to the existing form of government that will meet the needs of the town today and in the future. In addition, recommendations will be made to town officials in a supplemental report that addresses the issues of growth, coordination of the delivery of town services to an increasing population, and improvements in communication to meet the needs of both town officials and employees and constituents.

Generally, we found that town officials, employees and residents perceive the town government is functioning well, and people have positive feelings about the town. Responses on our phone survey of residents in and out of town were generally similar and indicate Stevensville is a fairly tight-knit community.

Through our interviews, we found that town officials and employees are concerned about the area's growth and the demands on police, water, sewer, streets and building permits and inspections. Constituents who need answers to questions about town services and procedures in a timely and consistent manner are increasing. The demand is increasing for council policies to be implemented in a coordinated and planned manner. Citizens are concerned about growth, schools, law enforcement and the need to be informed about town council meetings and actions.

Key Provisions of Proposed Amendments

Party politics do not play a key role in town government at present. Changing to nonpartisan elections of town council members will better reflect the current situation. Electing town council members from the entire community will maximize the pool of candidates who are interested in running for these positions. Candidates elected at-large will more likely have the viewpoint of representing the whole community rather than a specific neighborhood. Voters will not be restricted to voting only for those candidates from their district. Stevensville is a small, generally homogeneous community and there are no major distinctions between the two districts (wards).

FINDINGS OF THE STEVENSVILLE STUDY COMMISSION

Problems Identified by Town Officials and Employees

The major problems identified by town officials and employees concerned growth, coordination, communication, and long-range planning.

Growth

Can water and sewer infrastructure be maintained with continued growth?

Need to develop a plan for replacing and upgrading sewer lines.

Police protection will need to be 24-hour in 3-5 years.

Need to improve efficiency and communication in government to deal with growth.

Building inspector job needs to be full-time.

Coordinator Function

Needed to deal with the public in a timely and consistent manner.

Could follow and manage the budget on a monthly basis.

Needed to set priorities, decide direction, and lead departments towards goals.

Communication

Need to improve communication between council members between meetings.

Need to set "rules" for doing business at council meetings & inform the public.

Need to improve communication during council meetings.

Current council meeting agenda is inadequate; members don't feel prepared.

Council meetings are intimidating and adversarial.

Need to define the role/job of a council member on committees, hours entailed, number and times of meetings, responsibilities, procedures, how the city operates, and budget.

Long-range Planning

There is no long-range plan; there is some planning with the future in mind.

Need a vision for the future.

Need a plan for expanding the tax base because of increasing operating costs.

FINDINGS OF THE STEVENSVILLE STUDY COMMISSION

Summary of Public Survey

A telephone survey of Stevensville area residents was conducted in November 1995. Phone numbers were selected randomly and included new and unlisted numbers. There were 138 respondents for a 95% confidence level and a 8.3% margin of error.

Results were tabulated for in-town and out-of-town residents. Seventy-five (75) percent of the respondents have lived in the area for 2 or more years. Thirty-nine (39)% are employed in Stevensville, and 66% have 3 or less members in their household. Respondents were 52% males and 47% females (1% gender not recorded).

Generally, respondents indicated the town government is working well (61% agreed) and that employees are doing a good job (74% agreed).

They indicated the town's biggest problems were growth (43%), schools (15%), and crime and law enforcement (11%). Forty-one (41) percent of in-town residents don't feel adequately protected by law enforcement, compared to 29% of out-of-town residents.

Eighty-eight (88) percent of all respondents said a long-range plan is needed. Forty-six (46) percent agreed a manager/coordinator is needed to carry out policies and 42% said a manager/coordinator would improve efficiency.

Sixty-one (61) percent favor at-large elections for council members, and 46% favor expanding the council to 6 members. Fifty-eight (58) percent said council meetings are efficient and effective, although only 18% have attended a council meeting.

Eighty-six (86)% said council actions should be published, and 75% said council meeting agendas should appear in the newspaper

EXISTING FORM OF GOVERNMENT

The town of Stevensville has a mayor-council form of government. The mayor is elected for a 4-year term. There are 4 council members, 2 elected from each of 2 wards, for 4-year overlapping terms. Each council member must live in the ward he or she represents, and ward residents vote only for those running from their district. Elections are partisan.

The mayor enforces laws, ordinances and resolutions; administers town government; carries out council policies; executes bonds, contracts, and the budget; appoints board members; supervises department heads and boards; prepares the budget in consultation with council and department heads; and presides at council meetings. The mayor is paid \$200/month and is in the town office on Friday afternoons or available on call.

The town council sets policies; passes ordinances and resolutions; and approves town contracts, bonds, and the annual operating budget. The council meets on the 2nd and 4th Mondays of each month. Council members are paid \$100/month. They serve on various boards (airport, parks, planning/ zoning, and cemetery) and committees (personnel, police, streets, water and sewer).

There are 4 departments: administration, fire, police, and public works; and 4 department heads. The fire department is a rural-town, volunteer organization and the fire department head receives \$75/month. Other department heads are full-time, salaried positions.

Major services provided to town residents are water, sewer, street maintenance, park and swimming pool maintenance, fire protection, police protection, and an animal warden. The city operates the airport and cemetery. The library is a consolidated city/county district.

PROPOSED AMENDMENTS

Introduction

Stevensville currently operates under the council-mayor form of government, one of 6 forms of government allowed under Montana state law. Within this form, choices are allowed under each sub-option of the law. The study commission proposes changing two of these sub-optional choices.

Nonpartisan Election of Town Council

Under sub-option 7-3-219 "type of election" the town currently operates on choice (1) partisan based elections. The study commission proposes changing to choice (2) nonpartisan based elections.

Only 12 of Montana's 128 municipalities have partisan based elections. Changing to nonpartisan elections would more accurately reflect the current situation in which political party affiliation doesn't play a role in town council elections.

At-large Election of Town Council

There are 4 choices allowed by law as to the selection of council members (7-3-218). Currently the town operates under choice (2) "elected by districts in which candidates must reside and which are apportioned by population." The study commission proposes changing to choice (1) "elected at-large."

The problem of getting people to run for town council positions in ward 2 was brought up in interviews conducted by the study commission. By changing to at-large elections the pool of candidates for council will be maximized, candidates won't be required to live in a particular ward. This will enable interested citizens to run for council positions regardless of their location of residence.

The concept of ward representation is needed when a town has distinct areas of ethnic or socio-economic character. Stevensville's two wards are fairly homogeneous; there aren't distinct differences. The town is small and "everyone knows everyone else." Town government would be better served by at-large elections of council members.

COMPARISON OF EXISTING FORM OF GOVERNMENT AND PROPOSED AMENDMENTS

Characteristic	Existing Form	Proposed Amendments
Election of town council	Partisan	Nonpartisan
	By districts	At-large

The proposed amendments do not significantly alter the existing form of government. Council member elections are currently partisan, although party affiliations do not appear on ballots, but must be registered with the county and the state. By changing elections to nonpartisan, they would better reflect the reality of the current situation.

Council members are currently selected from wards in which they must reside and elected only by voters residing in those wards. Because Stevensville is a small, generally homogeneous community there are not significant differences between the two wards. There has been a problem in finding candidates interested in running from one of the wards. By changing to at-large elections, where all town residents can vote on all candidates, the town can maximize the pool of candidates and address this problem.

RECOMMENDATIONS

To the voters

Change to nonpartisan election of town council

Of Montana's 128 municipalities, only 12 have partisan council elections. Changing the elections of town council members to nonpartisan will bring the town in line with the rest of the state. Political party affiliation is not shown on the council ballot, but the candidate must declare an affiliation which is recorded with the county and the state. In effect, elections are now nonpartisan and this amendment would bring the code governing Stevensville in line with the reality.

Change to at-large election of town council

At-large elections will maximize the pool of candidates who are eligible to run for town council seats, and may alleviate the problem of finding candidates by district (ward) willing to run. Stevensville is a small community and its two wards do not have identifiable socio-economic or ethnic neighborhoods, therefore ward representation is not as critical. Council members who are elected at-large will have the viewpoint of representing the entire community.

To the mayor, council, and town employees

It is apparent to the commission from interviews with town officials and employees and from the public survey that the town government is doing a good job, the government is functioning well, and people have positive feelings about the town. The survey results gave a high approval rating to town government. The following recommendations are made to help the town government maintain that positive relationship with the community.

The community is the customer

The study commission recommends the mayor, council and town employees actively seek out opportunities to improve communication in serving their customers, the community. This could include putting out a signboard on Main Street the day town council meets and posting that meeting's agenda there, providing agendas for all who attend meetings, printing agendas in the newspaper, conducting a town meeting-type format for council meetings, hosting an occasional town meeting, attending the League of Cities and Towns annual meeting as a group, and holding frequent meetings with council, employees and boards.

The goal of town government is to serve its residents (customers). In the past the town has catered to the needs of its customers, the community. The commission recommends the town continue this tradition of neighbor helping neighbor in providing town services. At times, residents have unrealistic expectations of town employees and employees may need to spend some time talking with their customers. Stevensville prides itself on its small town atmosphere and it will be a challenge to maintain this sense of community as the area grows.

Accountability

The study commission recommends the budget be computerized; the state of Montana has a program for accounting available. This will improve accountability. Department heads and boards (including the airport and library) need to know what amounts are allotted to them in the budget. They need line items for their accounts.

Define and implement a coordinator function

Town employees and council members identified the lack of communication and coordination as a major problem that should be addressed as soon as possible. Enhanced coordination would better serve the operations of the town, particularly as the town continues to grow and increased demands are placed on the delivery of town services.

This does not necessitate hiring a full-time manager. The coordinator function could be assumed by the mayor, assigned to a current town employee, or filled by hiring a part-time coordinator. If the coordinator is someone other than the mayor, the mayor needs to empower that coordinator to speak as one voice for the town.

A coordinator is needed to bring department heads together on a regular basis to discuss a common perspective for dealing with issues and problems, and methods for meeting and implementing the goals and policies of the council.

A coordinator is also needed to interface with the public in a reasonable, timely and consistent manner on issues, problems, and delivery of town services to residents.

Improve management of council meetings

Problems were identified with the way constituents are treated at council meetings, the manner in which items are included (or not included) on the agenda, the adversarial nature of some meetings, and the lack of time to research agenda items by council members.

Publishing a final agenda in newspapers the Wednesday before each council meeting will notify the public of items for discussion, and having a tentative agenda available to council members at this time will allow them time for research on the issues. There may be additional items added to the agenda after the publication date. The council may wish to defer decisions on late agenda items until a future meeting. Agenda items should include the name of the council member bringing the item up for discussion. Having agendas available at the meeting for the public will better inform those present as to the schedule for the meeting.

To decrease the adversarial atmosphere of a meeting, the council may wish to arrange the tables in a square so that council members and the public are sitting side by side. This encourages participation by those present. The public is the council's "customer" and this viewpoint encourages mutual respect and trust.

Implement temporary advisory committees

To address the issues of crime, juveniles and schools, the mayor should immediately appoint a temporary advisory committee to gather public input and provide a forum for discussion of these problems. This committee can then make recommendation for solutions to the town council. This provides another vehicle for citizens to become involved in government.

Develop a long-range, comprehensive plan

The issue of growth was the biggest problem identified in the public survey and also by town officials and employees. Developing a long-range plan allows town residents and employees to identify a vision for the future, to set priorities that focus day-to-day operations, and encourage managing the town's affairs rather than responding to immediate crises.

Increase the number of council members when areas are annexed in the future

As the size of the town increases, the council should consider passing an ordinance or resolution to increase the size of its membership to give more representation. If the council is increased by one member (to 5 positions) the problem of getting a quorum will be alleviated.

APPENDIX A

CERTIFICATE ESTABLISHING THE EXISTING PLAN OF GOVERNMENT FOR THE TOWN OF STEVENSVILLE

If retained by the voters, the government of the town of Stevensville shall be organized under the following provisions of MCA 7-3-113 which authorizes the municipal council-mayor government;

7-3-113. Statutory basis for municipal council-mayor government. (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(1);
- (j) 7-3-218(2);
- (k) 7-3-219(1);
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-203. Duties of executive. The executive shall: enforce laws, ordinances, and resolutions; perform duties required of him by law, ordinance, or resolution; administer affairs of the local government; carry out policies established by the commission; recommend measures to the commission; report to the commission on the affairs and financial condition of the local government; execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission; report to the commission as the commission may require; attend commission meetings and may take part in discussions; execute the budget adopted by the commission; appoint, with the consent, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-212(2). Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213(3). Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

7-3-214(2). Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215(2). Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216(2). Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217(2). Financial officer. A financial officer (who may be called the treasurer) shall be appointed by the executive with the consent of the council.

7-3-218(2). Selection of commission members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219(1). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-220(1). Chairman of commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-221(3). Presiding officer of commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222(2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223(2). Size of commission and community councils.
The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and community councils to advise commissioners may be authorized by ordinance.

We, the Study Commissioners of the town of Stevensville
do hereby certify that this is the existing Plan of
Government as established by Section 7-3-113 MCA.

SEAL

In testimony whereof, we set our hands.

ATTEST: Nancy L. Howell
Clerk of Stevensville

Done at Stevensville this 22 day of February
Will [Signature]
Greg [Signature]
Ronald D. Kupper
David [Signature]
William [Signature]

LOCAL GOVERNMENT STUDY COMMISSIONERS

APPENDIX B

CERTIFICATE ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT FOR THE TOWN OF STEVENSVILLE

If retained by the voters, the government of the town of Stevensville shall be organized under the following provisions of MCA 7-3-113 which authorizes the municipal council-mayor government;

7-3-113. Statutory basis for municipal council-mayor government. (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
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- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(1);
- (j) 7-3-218(1);
- (k) 7-3-219(2);
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-203. Duties of executive. The executive shall enforce laws, ordinances, and resolutions; perform duties required of him by law, ordinance, or resolution; administer affairs of the local government; carry out policies established by the commission; recommend measures to the commission; report to the commission on the affairs and financial condition of the local government; execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission; report to the commission as the commission may require; attend commission meetings and may take part in discussions; execute the budget adopted by the commission; appoint, with the consent, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-212(2). Administrative assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213(3). Supervision of personnel. The executive may appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees.

7-3-214(2). Veto power. The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215(2). Preparation of budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216(2). Administrative supervision and control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217(2). Financial officer. A financial officer (who may be called the treasurer) shall be appointed by the executive with the consent of the council.

7-3-218(1). Selection of commission members. The commission shall be elected at large.

7-3-219(2). Type of election. Local government elections shall be conducted on a nonpartisan basis.

7-3-220(1). Chairman of commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-221(3). Presiding officer of commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222(2). Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223(2) Size of commission and community councils. The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and, community councils to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

We, the Study Commissioners of the town of Stevensville
do hereby certify that this is the existing Plan of
Government as established by Section 7-3- of MCA.

SEAL

In testimony whereof, we set our hands.

Done at Stevensville this 22 day of February

ATTEST: Emily Powell

Will [Signature]
Reg White
Ronald P. Kaper
Dan [Signature]
W. [Signature]

LOCAL GOVERNMENT STUDY COMMISSIONERS

APPENDIX C

CERTIFICATE

ESTABLISHING THE DATE OF THE SPECIAL ELECTION

AT WHICH THE AMENDMENTS

SHALL BE PRESENTED TO THE ELECTORS

OF THE TOWN OF STEVENSVILLE

The amendments proposed by the Local Government Study Commission shall be submitted to the voters of the town of Stevensville at a special election to be held on June 4, 1996.

We, the Study Commissioners of the town of Stevensville do hereby certify that this is the existing Plan of Government as established by Section 7-3-113 MCA.

SEAL

In testimony whereof, we set our hands.

ATTEST: Fancy Howell
Clerk of Stevensville

Done at Stevensville this 22 day of February
Will E. [Signature]
Jerry Whitcomb
Ronald D. Kaper
David Aldrich
[Signature]

LOCAL GOVERNMENT STUDY COMMISSIONERS

APPENDIX D

CERTIFICATE
ESTABLISHING THE OFFICIAL BALLOT FOR
THE JUNE 4, 1996 SPECIAL ELECTION

Instructions to voters: Place an "X" in the boxes which express your preferences.

OFFICIAL BALLOT
BALLOT ON TWO AMENDMENTS TO THE EXISTING PLAN OF GOVERNMENT
PLEASE VOTE ON BOTH AMENDMENTS

1.

Vote for One.

☐ For adoption of the amendment for nonpartisan elections proposed for the town of
Stevensville by the Local Government Study Commission.

☐ For the existing form of government with partisan elections.

2.

Vote for One.

☐ For adoption of the amendment for at-large elections proposed for the town of
Stevensville by the Local Government Study Commission.

☐ For the existing form of government with election by districts in which
candidates must reside.

We, the Study Commissioners of the town of Stevensville
do hereby certify that this is the existing Plan of
Government as established by Section 7-3-113 MCA.

SEAL

ATTEST: Nancy Powell
Clerk of Stevensville

In testimony whereof, we set our hands.

Done at Stevensville this 22 day of February.

William D. Kaplan
Leg. Committee
Richard D. Kaplan
David A. Hurd
W. H. Hurd

LOCAL GOVERNMENT STUDY COMMISSIONERS



MONTANA DEPARTMENT OF ADMINISTRATION

Local Government Services Bureau-Systems Program

301 South Park Avenue Room 340

PO Box 200547

Helena, MT 59620-0547

Phone: (406) 841-2909

FAX: (406) 841-2910

TDD: (406) 444-1421

September 30, 2005

STATE DOCUMENTS COLLECTION

MAR 13 2006

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

Montana State Library
1515 E Sixth Avenue
Helena, MT 59620-1800

RE: Local Government Study Commission Reports

As required in 7-3-187, MCA, we are required to forward to the State Library a copy of the final reports of local government study commissions that we receive in our office. Enclosed is a copy of the Town of **Stevensville's** 2004 Local Government Study Commissions report for your files.

Sincerely,

A handwritten signature in blue ink that reads "Marlene Hughes".

MARLENE A. HUGHES

Program Specialist

Local Government Services Bureau/Systems

841-2900

Enclosure

Contact: James Kammerer – 444-5432
State Library

RECEIVED

SEP 30 2005

ADMINISTRATION
LOCAL GOVERNMENT
SERVICES BUREAU

TOWN OF STEVENSVILLE

LOCAL GOVERNMENT STUDY COMMISSION

**FINAL REPORT
AUGUST 2005**

RECEIVED

SEP 30 2005

ADMINISTRATION
LOCAL GOVERNMENT
SERVICES BUREAU

TOWN OF STEVENSVILLE

LOCAL GOVERNMENT STUDY COMMISSION

FINAL REPORT AUGUST 2005

Town of Stevensville

Town Council, January 2005

Bill Meisner, Mayor

Paul Ludington, Ward 1

Jake Weitzel, Ward 1

Tom Brown, Ward 2

Bob Summers, Ward 2

Town Council, July 2005

Bill Meisner, Mayor

Paul Ludington, Ward 1

Robert Mim Mack, Ward 1

Tom Brown, Ward 2

Bob Summers, Ward 2

Study Commission, January 2005 to Present

Brice Cederberg

Susan Evans

Ben Longbottom

Doreen Meisner

Vern Weiss

Pari LeCoure, Ex-officio

Carolyn Jones, Secretary

STEVENSVILLE GOVERNMENT STUDY COMMISSION FINAL REPORT

August 25, 2005

To the Citizens of Stevensville:

The Stevensville Government Study Commission elected by the voters on November 2, 2004 presents this final report to the citizens of this town.

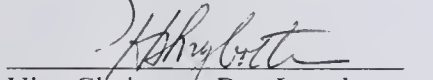
The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our town government and procedures for delivery of local government services and compare them with other forms available under the laws of the state". If some change is deemed necessary, the study commission may submit such proposed changes to the electors.

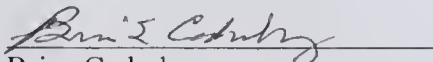
In the conduct of their review the study commission has sought the advice and information from as many people as possible in the town. Opinions and recommendations were solicited from local government officials, town employees and citizens. All meetings of the study commission were open to the public. A public hearing was held to determine citizen opinion.

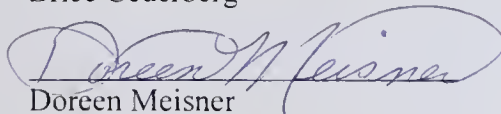
As a result of discussions held with the people mentioned the Stevensville Government Study Commission has concluded that there is a general consensus that the existing Council-Mayor form of government has served this town well and will continue to do so in the near future. We therefore recommend no change in this form of government.

Respectfully submitted,

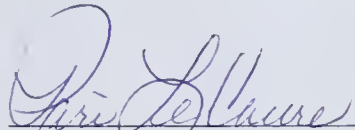

Chairman, Susan Evans

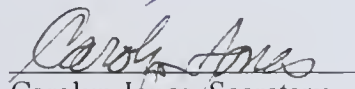

Vice Chairman, Ben Longbottom


Brice Cederberg


Doreen Meisner


Vern Weiss
Study Commission Members


Pari LeCoure, Ex-officio


Carolyn Jones, Secretary



MONTANA DEPARTMENT OF COMMERCE

Local Government Assistance Division
Local Government Services-Systems Program
1424 9th Avenue PO Box 200501
Helena, MT 59620-0501

Phone: (406) 444-3010
FAX: (406) 444-9785
TDD: (406) 444-2978

March 29, 1996

STATE DOCUMENTS COLLECTION

Mr. Harold Chambers
Montana State Library
1515 E. Sixth Avenue
PO Box 201800
Helena, MT 59620-1800

APR 11 1996

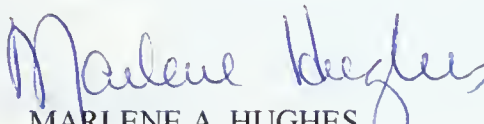
MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

Mr. Chambers:

In accordance with Section 7-3-187, MCA, local government study commissions are to file two copies of their final report with the department of commerce, local government services bureau. One of these copies is to be forwarded by the department of commerce to the state library.

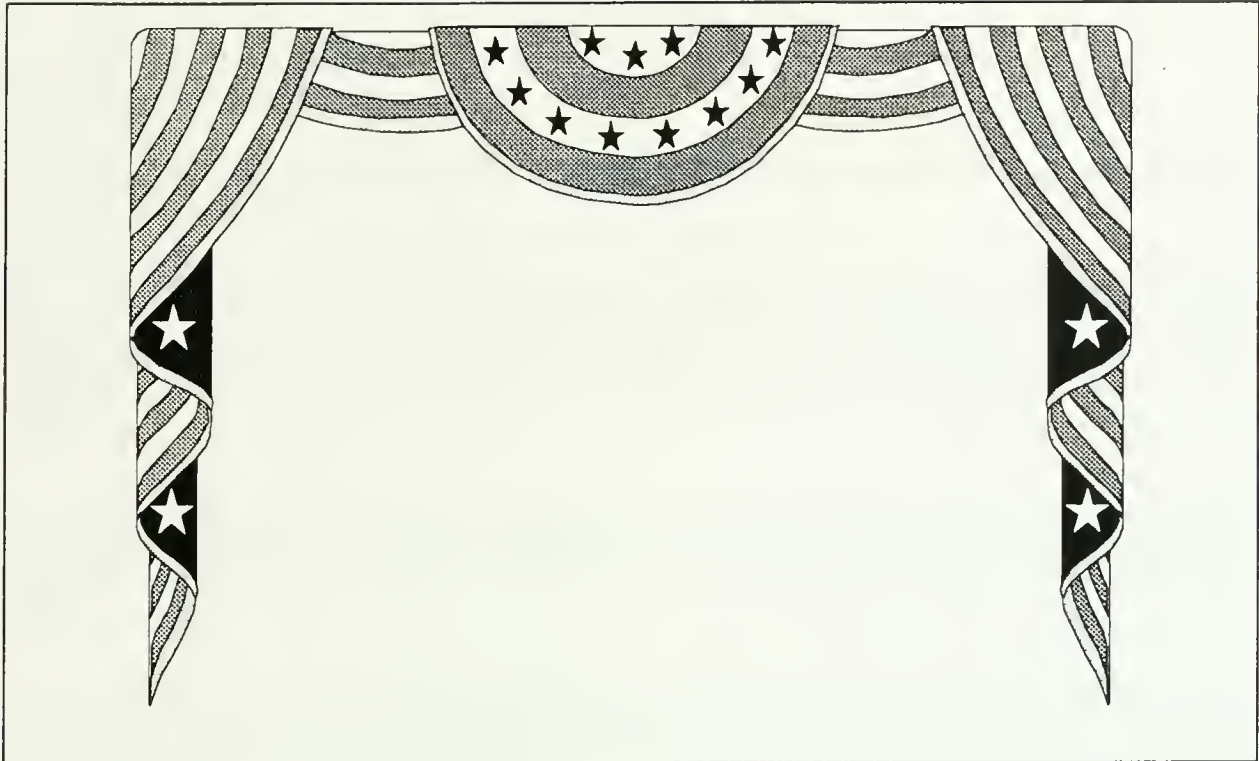
Enclosed you will find a copy of Stillwater County's decision regarding the 1994 study commission.

Sincerely,


MARLENE A. HUGHES
Program Specialist

Enclosure

PLEASE RETURN



FINAL REPORT

Stillwater County Local Government Review Commission

February 18, 1996

Commission Members

William F. Brinkel

P. A. Holman

Cathie Osmun

Keith Martin

Charles E. Egan

Harold Blattie, Local Government Representative

RECEIVED
1996
GOVERNMENT
SERVICES BUREAU

STILLWATER COUNTY GOVERNMENT STUDY COMMISSION
FINAL REPORT

To the Citizens of Stillwater County:

The Stillwater County Study Commission elected on November 8, 1994, present this final report to the citizens of the county.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our county government and procedures for delivery of local government services and compare them with other forms available under the laws of the state". If some change is deemed necessary, the study commission may submit such proposed change to the electors.

The study commission has received advice and information from a number of people in the county. Opinions and recommendations were solicited from local government officials, community organizations and citizens. All meetings of the study commission were open to the public.

As a result of this effort, the Stillwater County Local Review Commission concludes that the existing form of government is the Elected County Official Government which includes a specifically defined structure. The Review Commission exercises the option to place on the ballot the Commission form of government (7-3-401) which includes provision for future flexibility.

Respectfully submitted,

William F. Brinkel William F. Brinkel

Pat Holman Pat Holman

Cathie Osmun Cathie Osmun

Keith Martin Keith Martin

Charles E. Egan Charles E. Egan
Local Government Review Commissioners - Stillwater County

Local Government Review
A process to study functions and form of government
Stillwater County

The voters in Stillwater County chose to study the form of county government at the November 8, 1994 election. The Montana State Constitution allows voters the choice to review the existing form of government once every ten years.

Fifteen citizens interested in serving on the commissioner filed for the position. The five receiving the greatest number of votes were selected to serve for a two year period. Following the election, the Review Commission developed a procedure for orderly review of the existing form of government. The commission studied the options available under the constitution and developed a timetable for completing the process.

Each Elected Official and Department Head responded to the same set of questions in the interview process. The interviews provided the Review Commission with an understanding of the duties, responsibilities, and interdependency of the departments.

The Local Government Center at Montana State University - Bozeman provided training to define the mission and give direction in the review process. The Stillwater County Local Government Review Commission commenced regular monthly meetings in December, 1994. Issues arising were addressed through information gathering, discussion and arriving at a consensus.

A telephone survey of attitudes and opinions of county residents was completed under the direction of MSU-Bozeman Local Government Center. The standardized questionnaire randomly sampled county citizens sentiment on many issues that the Review Commission took under consideration. The survey gave valuable input on the effectiveness of county government as perceived by county citizens.

The Local Government Center compiled the data gathered and issued a final report of survey findings. The Review Commission completed a preliminary report based on the information gathered through the various sources. This report, mailed to every box holder in Stillwater County, provided the basis for nine public meetings held throughout the county.

At the time of the preliminary findings, report, and public meetings, the Review Commission was advised and functioned under the impression that Stillwater County Government was the **Commission Form** as provided under the Montana Code 7-3-401. After significant and thorough review, legal council determined in February 1996, that Stillwater County is currently under the **Elected County Official Government** (Montana Code 7-3-111) and not the **Commission Form**. These two forms of government are significantly different in flexibility within the form.

The **Commission Form** of government allows voters to choose term lengths of commissioners, type of elections (partisan or non-partisan), representation by district or at large, choice of commission chairperson, size of commission and community councils, as well as choice in several other areas. The **Elected County Official Government**, which is the current form **does not** allow for these provisions. Consequently, the two issues identified by the Review Commission as possible ballot issues were disallowed unless the committee recommends a change in the form of government.

After considerable debate and discussion at the February, 1996 meeting, the Review Commission unanimously voted to put the question of form of government before the voters of Stillwater County. The choice before the voters is: staying with the existing form of government, which does not allow options under the Code, or changing to the Commission form of government that does allow for choices under the Code.

(Introduction continued)

The Review Commission believes that, in the interest of future flexibility within County Government, the voters should have the option of choosing the current form or changing to the **Commission Form** of government. The **Existing Form** of government specifically states term of office of commissioners and type of election as well as many other provisions. Therefore, the Review Commission asks that the issue come before the voters in the June 7, 1996, election.

The Review Commission further recommends that under the proposed **Commission Form** of government, all options remain completely consistent with those now in operation. If the citizens choose the **Commission Form**, then any changes in term length, type of election, or any other provision allowable under the **Commission Form**, can be studied and voted upon in a subsequent election.

The Review Commission studied four versus six year terms for County Commissioners. The majority of the commission members favored six year terms. A minority report favoring allowing the voters to choose the length of term for County Commissioners is included. No proposal is made at this time. The current form of government only allows for six-year term length.

The issue of partisan versus nonpartisan elections was considered as a ballot issue. Again, a change in form is necessary to implement this option. Consequently, the Review Commission chooses to put forth a vote on the form of government without a change in type of election at this time.

An additional charge to the Local Government Review Commission, besides ballot issues, was procedures for delivery of local government services. The Review Commission prepared six supplementary reports with recommendations to the County Commissioners based on extensive study of service delivery. The reports include the following:

1. Developing goals, direction and incentives to strengthen service. Give more responsibility to elected officials and department heads. Update and utilize the policy and procedure manual. Strengthen accountability for expenditures. County staff training and involvement to improve delivery.
2. Create a strong citizen information program that includes a quarterly publication.
3. The Road and Bridge Department management by crisis system should be replaced with a multi-year plan. A communication system be implemented for effective and efficient use of equipment and funds. Written Standard Operating Procedures be developed to insure continuity.
4. The Solid Waste Department conduct a formal review annually and that a written Standard Operating Procedure be developed.
5. Provisions be developed to eliminate vacancy savings issues and consequent interruption of service upon retirement or resignation of long-term employees.
6. Commissioners consider implementation of Community Councils or some formal procedure for gaining input from citizens throughout the county.

The members of the Local Government Review Commission appreciate the opportunity to serve the citizens of Stillwater County as reviewers of the functions and form of local government. The Review Commission found the process to be very satisfying and educational. We sincerely appreciate the complete cooperation of all individuals within the county government.

County Government Official Involvement Supplemental Report to Stillwater County

The Stillwater County Local Government Review Commission, after considerable deliberation about the form of government and delivery of services, in addition to citizen survey and extensive interviews with Elected Officials and Department Heads, urge that improvements be made in the delivery system.

1. That benchmarks be established that will provide direction, goals, and incentives to strengthen the services provided for the citizens of Stillwater County by Elected Officials, Department Heads and Staff. This would insure the wise use of financial support provided by the taxpayers.
2. Elected Officials and Department Heads be given more responsibility in managing the affairs and budgets of each department. A clear description of roles is important to avoid micro management within the system of government.
3. Two separate and identifiable attributes of local government in Stillwater County are policy and procedure. County Commissioners clearly are in a position to establish policies that effect all decisions and actions. These policies need to be based on state and federal laws, previous decisions and established with clarity, fairness and understanding in mind. Procedures for operations serve to guide and strengthen the ability of staff as they perform the services offered by local government. Access to a well documented and written policy manual for all departments and staff would provide efficiency and direction.
4. Accountability for fiscal affairs as well as services rendered are on the minds of citizens in Stillwater County. The actions taken, quality of service, decisions rendered, outcomes of issues addressed must have evidence of honesty, integrity, attention to law, efficiency and best choice for the situation.
5. County Commissioners be advised to involve all Stillwater County Staff in meaningful ways to develop programs, study functions and delivery of services and review details of change in policy and procedure.

The Local Government Review Commission recommends County Commissioners give serious consideration to this supplemental report.

William F. Brinkel William F. Brinkel

Pat Holman Pat Holman

Cathie Osmun Cathie Osmun

Keith Martin Keith Martin

Charles E. Egan Charles E. Egan

Local Government Review Commission - Stillwater County

Recommendations for Road & Bridge Department Supplemental Report

The Stillwater County Local Government Review Commission has spent extensive time studying county government following the election of November, 1994. All elected and appointed department heads were interviewed, citizens surveyed, and public input sought at regular and special meetings.

A majority of citizens throughout the county indicated that roads are the number one concern. By telephone survey there were 188 responses out of the 360 that reported discontent with the way roads were maintained and improved. This Review Commission wishes to express the concern to the Board of County Commissioners.

There has been constant turnover of Road Supervisors, dissatisfaction among the employees of the Road Department and rapid degeneration of the road equipment. The system is badly in need of a long range plan to provide a satisfactory road system throughout the county.

I-105 is recognized as a controlling factor that limits funds to definite levels. There is not excess money to purchase new equipment, however, a well planned system could allow for funds to be set aside for this purpose.

It is recommended by the Review Commission that:

1. Management by crisis be replaced by a system of 1 - 2 - 3 year plan utilizing the skills of a professional road supervisor to manage the funds, supervise operations and improve the road system. Include a written Standard Operating Procedure.
2. A communication system be initiated that provides for effective and efficient use of public equipment and funds. This system to include citizen input representing all areas of the county and the county commission.
3. Implement a procedure for an annual formal review of the road department to ensure consistency, follow through on 1 - 2 - 3 year plans and quality of service.

William F. Brinkel William F. Brinkel

P. A. Holman Pat Holman

Cathie Osmun Cathie Osmun

Keith Martin Keith Martin

Charles E. Egan Charles E. Egan

Local Government Review Commission - Stillwater County

Solid Waste Management Supplemental Report

The Stillwater County Local Government Review Commission has spent extensive time studying county government following the election of November, 1994. All elected and appointed department heads were interviewed, citizens surveyed, and public input sought at regular and special meetings.

The Commission has found an area of concern in the Solid Waste Department. To ensure consistency and quality of service throughout the county, it is recommended by the Review Commission that:

1. A procedure for formal review of the Solid Waste Department be conducted on an annual basis by the Solid Waste Board with a summary be made available for public review at the courthouse.
2. We suggest a written Standard Operating Procedure be adopted.

William F. Brinkel William F. Brinkel

Pat Holman Pat Holman

Cathie Osmun Cathie Osmun

Keith Martin Keith Martin

Charles E. Egan Charles E. Egan

Local Government Review Commission - Stillwater County

**Citizen Information Commission
Supplemental Report to Stillwater County**

The Local Government Review Commission identified the need for citizen information as a high priority. The commission members support a quarterly newsletter to be distributed to all boxholders in the county. The intent is to involve county staff in the preparation and editing of the publication.

1. Funding for the quarterly publication will be through the Local Government Review Commission account for a three year period.
2. A communications team be initiated that will include three county staff and one citizen to develop the format and be responsible for gathering input from county departments.
3. All departments will contribute to the quarterly report on a regular basis. Brief summaries of accomplishments and situations are important.
4. An oversight committee be formed to insure accuracy and appropriate information.
5. The Local Government Review Commission commits to review and comment along with calling for a semi-annual meeting with county staff to determine progress and assist as a citizens' group.
6. The Review Commission suggests further, that all county staff receive three hours training per year in the delivery of internal and external customer service. This training shall be during a regular working day.

William L. Brinkel William F. Brinkel

P. A. Holman Pat Holman

Cathie Osmon Cathie Osmon

Keith Martin Keith Martin

Charles E. Egan Charles E. Egan
Local Government Review Commissioners - Stillwater County

**Citizen Involvement
Supplemental Report**

The Stillwater County Local Government Review Commission realizes that there is a need to enhance communication between county citizens and commissioners. The Review Commission recommends to the County Commissioners that they give consideration to citizen involvement. This is provided for under Montana Statute through ordinance or other provision.

William F. Brinkel William F. Brinkel

Pat Holman Pat Holman

Cathie Osmun Cathie Osmun

Keith Martin Keith Martin

Charles E. Egan Charles E. Egan

Local Government Review Commissioners - Stillwater County

**Payment of Accrued Benefits
Supplemental Report**

The Stillwater County Local Government Review Commission realizes there is a need to develop a system for funding the earned benefits of employees upon their resignation or retirement. Employment gaps are an obstacle that causes severe problems of continuity, supervision, production loss and expense to the taxpayers. Payment of benefits requires large amounts of money when a long term employee leaves. The practice of vacancy savings to fund these benefits, as has occurred, is not acceptable. Additionally, the practice of County Commissioners assuming the duties of supervisor of a department due to lack of funds to cover the position raises the question of liability.

The Local Government Review Commission recommends that options for funding vacancies be studied and a solution be implemented.

<u>William F. Brinkel</u>	William F. Brinkel
<u>Pat Holman</u>	Pat Holman
<u>Cathie Osmun</u>	Cathie Osmun
<u>Keith Martin</u>	Keith Martin
<u>Charles E. Egan</u>	Charles E. Egan

Local Government Review Commission - Stillwater County

Term Length of County Commissioners Majority Report

The issue of reducing the term length from 6 years to 4 years was a topic of considerable discussion during the Preliminary Report Preparation Workshop held October 14, 1995 at the courthouse in Columbus. In attendance were Bill Brinkel, Pat Holman, Cathie Osmun, Chuck Egan, Harold Blattie and Recording Secretary Toni Gauger.

Discussions were based on several sources of reference including:

- Survey of Counties where the 4 year term has been adopted.
- Survey of Stillwater County Elected and Appointed Officials.
- Criteria established for supplemental reports and ballot issues.
- Survey of Stillwater County Citizens done by telephone.
- Montana Code Annotated.

A majority of the commission members choose support the six year term length for the following reasons.

1. The four year term length would cause election of two people during one election and 1 person the following election. This would not promote continuity of local government as was suggested by members earlier in the process of review. This would create a possible election of three county commissioners in one year should there be a resignation or death.
2. The reduced term length was thought to induce others to file for County Commissioner while the survey of county officials from other counties did not indicate this had or would happen.
3. The desire was to improve local government and holding with this identified need the choice was to support the six year term length to allow for a two year educational time period for newly elected county commissioners, two years to understand the purpose and intent and a final two years of productivity. The complex issues, regulations of state and federal levels, diversity of Stillwater County economic and social structure called for more attention and understanding.
4. The educational process involved brought attention to the matter of understanding of the citizens about local government. Members of the commission admittedly were not aware of the complications involved when they began the responsibility of serving on the review. Learning about the situation had cause some members to change their support for the reduced term length.
5. The role of the Local Government Review Commission was to study the form and functions of county government and offer the suggestions to the citizens that would improve the operation. It was felt the reduced term length would not serve this purpose.
6. The role of elected officials was reviewed and understanding the responsibility of county commissioners gave support for providing the benefit of time to learn the process and procedures for functioning.

(Term Length - Majority Report Continued)

7. The Commissioner form of government as set by statute. The 1972 Constitution allowed alternate forms of county government. Stillwater County chose not to adopt and alternate form in 1976. The problems and concerns identified by the Local Government Review Commission would not be corrected by a change in the form of government.
8. The issues of government in Stillwater County are population growth, industry, economic base, land use, infrastructure and greater demands on services. There was evidence of understanding decisions and intentions of agreements discussed by decision makers about expansion issues that saved the taxpayers some \$500,000. This may not have happened if a new person were elected to the position that was not familiar with the situation.
9. County Commissioners have equal powers with one designated as Chairperson using an agreed upon system of rotation. The County Commissioners operate as a board without one person having the power to make management decisions, control budget matters or supervise appointed and elected officials. It would be possible that two people could be elected during an election that could have negative impact on decisions or an ax to grind. This system would allow too much power in that situation.

Lengthy discussion about term lengths gave support to the retention of the six year term length. Those Commission members present suggested that if public meetings gave an indication of a high level of support for changing to a 4 year term length that discussion would be opened for further consideration following the input. After public meetings and formal input we discovered that the 4 year term length option is not available under the existing form of government, the Elected Official Form.

William F. Brinkel William F. Brinkel

Pat Holman Pat Holman

Cathie Osmun Cathie Osmun

Charles E. Egan Charles E. Egan
Local Government Review Commission Members - Stillwater County

**Term Length for County Commissioners
Minority Report**

This is in reply to the Majority Report which was completed at a workshop that I was unable to attend.

"The purpose of a study commission is to study the existing form and powers of a local government and procedures for delivery of local government services and compare them with other forms available under the laws of the state." Quote: page 40 Study Commission Handbook. We were also advised that we could recommend the amending of a present form.

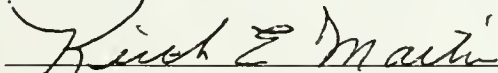
In reference to the possibility of amending the present six year term of our county commissioners, I refer to the issues of concerns or problems pointed out by our survey where we received an unheard of 89% on roads. Also, identified were bridges and solid waste.

The performance of these departments is accountable to our board of county commissioners and in turn the board is and should be accountable to the voters and taxpayers who elect them. In my mind, everyone is accountable for their actions, good or bad, and also for their inactions. In the case of elected officials, election day is the day of accounting.

To be to the point and make it simple, four years are two years shorter than six years and a shorter term should help assure voters of a more productive and responsive elected official.

Regardless of our form of government, I suspect it is only going to serve and function as well as they capabilities of those who operate it. I have great faith in the voters of our county and feel that they are capable of setting the length of term by rights, and should be given the chance. In this case, 61% of those surveyed favored the four year term. After public meetings and formal input it is concluded that the 4 year term length option is not available under the Existing Form of Government.

This concludes my minority report.



Keith E. Martin

Local Government Review Commission Member

COMPARISON OF SPECIFIC CHARACTERISTICS
Existing Form of Government vs. Commission Form of Government for Stillwater County

CHARACTERISTICS	EXISTING ELECTED OFFICIAL FORM	COMMISSION FORM	EVALUATION COMMENTS
Chief Administrative Officer	None. Administrative responsibility shared by commissioners, elected officials, and various boards.	No change.	
Appointment powers	Commission appoints department heads not elected, members of boards, commissions, special districts.	No change.	
Budget Preparation	Clerk & Recorder prepares budget with officials and departments. Modified and/or approved by commission	No change.	
Service Delivery Structure	Performed by elected offices and appointed boards, commissions and special districts.	No change.	
Citizen Participation Community Councils	None	No change. No change.	

COMPARISON OF SPECIFIC CHARACTERISTICS
Existing Form (Elected Official) vs. Commission Form of Government for Stillwater County

CHARACTERISTICS	EXISTING ELECTED OFFICIAL FORM	COMMISSION FORM	EVALUATION COMMENTS
Form of Government	COMMISSION FORM merges legislative, administrative and executive functions in commission.	No change.	
Powers	GENERAL GOVERNMENT POWERS. State law defines what government may do and specifically how it shall do it. Little power to pass ordinances.	No change.	
Governing Body Size	3 commissioners nominated by district, elect at large.	No change.	
Election	Partisan	No change	
Term	6 year overlapping terms.	No change.	
Presiding Officer Duties	Chairman-Elected from members. Commission is responsible for executive and many administrative functions. Administrative powers are shared with other elected officials.	No change.	
Other Elected Officials	10 Elected Officials Clerk & Recorder County Attorney Sheriff Treasurer Clerk of District Court Coroner Superintendent of Schools Assessor Public Administrator Surveyor	No change.	

CERTIFICATE

ESTABLISHING THE EXISTING FORM OF GOVERNMENT FOR STILLWATER COUNTY

If retained by the voters, the government of Stillwater County shall be organized under the following provisions of MCA 7-3-111 which authorizes the elected county official form of government;

7-3-111. Statutory basis for elected county official government. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(3);
- (d) 7-3-413(1);
- (e) 7-3-414(1);
- (f) 7-3-415(2);
- (g) 7-3-416(2);
- (h) 7-3-417(2);
- (i) 7-3-418;
- (j) 7-3-432(1);
- (k) 7-3-433(1);
- (l) 7-3-434(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1);
- (o) 7-3-437(1);
- (p) 7-3-438(1);
- (q) 7-3-439(1);
- (r) 7-3-440(1);
- (s) 7-3-441(1);
- (u) 7-3-442(6);

(2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

These sections establish the following form of government which shall be called COMMISSION FORM.

7-3-401. Commission form. The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

7-3-402. Nature of government. Local governments that adopt this form shall have general government powers.

7-3-412 (3). Selection of commission members. The commission shall be elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominated candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside.

7-3-413 (1). Type of election. Local government elections shall be conducted on a partisan basis.

7-3-414 (1). Chairman of commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-415 (2). Administrative assistants. The commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.

7-3-416 (2). Terms of the commission members. Commission members shall be elected for overlapping terms of office.

7-3-417 (2). Size of commission and community councils. The size of the commission, shall be three, and community councils to advise commissioners may be authorized by ordinance.

7-3-418. Terms of elected officials. The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

7-3-432 (1). Legal officer. A legal officer (who may be call the county attorney) shall be elected.

7-3-433 (1). Law enforcement officer. A law enforcement officer (who may be called the sheriff) shall be elected.

7-3-434 (1). Clerk and recorder. A clerk and recorder shall be elected.

7-3-435 (1). Clerk of district court. A clerk of district court shall be elected.

7-3-436 (1). Treasurer. A treasurer shall be elected.

7-3-437 (1). Surveyor. A surveyor shall be elected.

7-3-438 (1). Superintendent of schools. A superintendent of schools shall be elected.

7-3-439 (1). Assessor. An assessor shall be elected.

7-3-440 (1). Coroner. A coroner shall be elected.

7-3-441 (1). Public Administrator. A public Administrator shall be elected.

7-3-442 (6). Auditor. An auditor shall not be included in this form as a separate office if the county has not elected an auditor.



ATTEST Janet R. Perkins
Clerk & Recorder of Stillwater County

We, the Study Commissioners of Stillwater County do hereby certify that this is the existing Plan of Government as established by Section 7-3-111 MCA.

In testimony whereof, we set our hands.

Done at 11:30 this 29 day of February.

William F. Brinkel
William F. Brinkel

P.A. Holman
P.A. Holman

Cathie Osmun
Cathie Osmun

Keith Martin
Keith Martin

Charles E. Egan
Charles E. Egan
Local Government Study Commissioners
Stillwater County

CERTIFICATE

ESTABLISHING THE COMMISSION FORM OF GOVERNMENT FOR STILLWATER COUNTY

If adopted by the voters, the government of Stillwater County shall be organized under the following provisions of MCA 7-3-111 which authorizes the commission form of government;

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- (t) 7-3-442(6)

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7-3-414 (1). Chairman of commission. The chairman of the commission shall be elected by the members of the commission from their own number for a term established by ordinance.

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7-3-416 (2). Terms of the commission members. Commission members shall be elected for overlapping terms of office.

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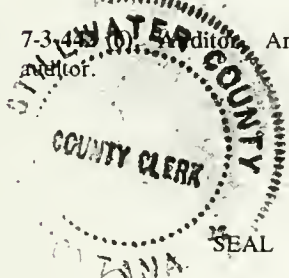
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7-3-440 (1). Coroner. A coroner shall be elected.

7-3-441 (1). Public Administrator. A public Administrator shall be elected.

7-3-442 (1). Auditor. An auditor shall not be included in this form as a separate office if the county has not elected an auditor.



ATTEST Janet R. Parkers
Clerk & Recorder of Stillwater County

We, the Study Commissioners of Stillwater County do hereby certify that this is the existing Plan of Government as established by Section 7-3-111 MCA.

In testimony whereof, we set our hands.

Done at 11:30 this 29 day of February.

William F. Brinkel

William F. Brinkel

P.A. Holman

P.A. Holman

Cathie Osmun

Cathie Osmun

Keith Martin

Keith Martin

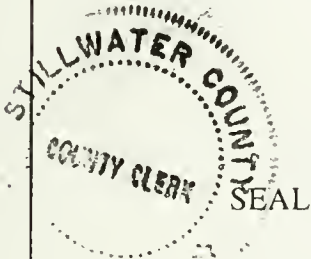
Charles E. Egan

Charles E. Egan
Local Government Study Commissioners
Stillwater County

Certificate

ESTABLISHING THE DATE OF THE SPECIAL ELECTION
AT WHICH THE ALTERNATE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS OF
STILLWATER COUNTY

The alternate form of government (Commission Form) proposed by the Local Government Study Commission shall be submitted to the voters of Stillwater County at a special election to be held with the primary election on June 4, 1996.



ATTEST

James R. Perkins
Clerk & Recorder of Stillwater County

We, the Study Commissioners of Stillwater County do hereby certify that this is the date of the special election approved by the Study Commissioners of Stillwater County.

In testimony whereof, we set our hands.

Done at 11:30 am this 29th day of February.

William F. Brinkel
William F. Brinkel

Pat Holman
Pat Holman

Cathie Osmun
Cathie Osmun

Keith Martin
Keith Martin

Charles E. Egan
Charles E. Egan

Local Government Review Commissioners
Stillwater County

CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT FOR THE JUNE , 1996 SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT

BALLOT ON THE FORM OF GOVERNMENT

PLEASE VOTE FOR ONE ISSUE

____ For adoption of the Commission Form of Government in
Stillwater County.

____ For the Existing Form (Elected Official Form) of government
in Stillwater County.



We the Study Commissioners of Stillwater
County do hereby certify that this is the
official ballot approved by the study
commissioners of Stillwater County.

In testimony whereof, we set our hands.

ATTEST: Janet R. Perkins
CLERK & RECORDER OF
STILLWATER COUNTY

William F. Brinkel
William F. Brinkel

P.A. Holman
P.A. Holman

Cathie Osmun
Cathie Osmun

Keith Martin
Keith Martin

Charles E. Egan
Charles E. Egan

LOCAL GOVERNMENT STUDY COMMISSIONERS
Stillwater County



352.0786
L24LGSC

MONTANA DEPARTMENT OF ADMINISTRATION

Local Government Services Bureau-Systems Program

301 South Park Avenue Room 340

PO Box 200547

Helena, MT 59620-0547

April 13, 2004

Phone: (406) 841-2909

FAX: (406) 841-2910

TDD: (406) 444-1421

Montana State Library
1515 E Sixth Avenue
Helena, MT 59620-1800

RE: Local Government Study Commission Reports

As required in 7-3-187, MCA, we are required to forward to the State Library a copy of the final reports of local government study commissions that we receive in our office. Enclosed is a copy of the Town of Sunburst's 2004 Local Government Study Commissions report for your files.

Sincerely,

MARLENE A. HUGHES

Program Specialist

Local Government Services Bureau/Systems
841-2900

Enclosure

Contact: James Kammerer - 444-5432
State Library

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APR 08 2005

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HELENA, MONTANA 59620

342
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PLEASE RETURN

Local Government
2005
Study Commission

Sunburst

Final Report

March 29, 2005

THE GOVERNMENT

2025

DEPT. OF COMMERCE

SEATTLE

WASHINGTON

1902

Table of Contents

1. A Letter to the Citizens of Sunburst
2. Summary of Recommendations
3. Findings of the Study Commission
4. Copies of Minutes of the Study Commission Meetings
5. Citizen Survey Form

To the Citizens of the Town of Sunburst,

The Sunburst Study Commission presents this final report to the citizens of this town.

The responsibility of the study commission, as defined in state law, is to "study the form and power of government and existing procedures for the delivery of local government service and compare them with other forms available under the laws of the state of Montana." After completing these two phases of the study, it is the responsibility of the commission to submit an alternate form of government to the qualified electors. In every phase of this study, this commission sought advice and information from as many people as possible. All meetings of the commission were open to the public. In addition to the independent efforts of this study commission, our recommendations reflect the thoughts and opinions of those who participated in the Citizen Survey and those who attended our regular meetings.

Respectfully Submitted,

Sunburst Local Study Commission

Dan Kinnert

Mary C. Morrison

Nancy Linnell

Janis K. Rolfe

Summary of Recommendations

The Sunburst Local Government Study Commission, having thoroughly studied our present form of town government and the alternate forms of government available to towns under state law and anticipating the future needs of the town, recommend the following:

That the incorporated town of Sunburst keep its present form of government.

That the incorporated town of Sunburst make some changes with respect to present laws and ordinances. (See Finding of the Study Commission)

Findings of the Study Commission

After a study of the government of the Town of Sunburst, it is the decision of the study commission to keep the present form of government that the city voted on in the year 1976.

The study commission feels that improvement is needed in these areas:

1. A better working agreement with Toole County on the police protection that the city currently employs.
2. City budget/expenditures be posted every month. (Suggest Post Office be considered as place)
3. Enforcement of ordinances. Major concerns are clean-up and dogs. Citizens should make written complaints so that the town can act to enforce ordinances. Written tickets should be forwarded to the Justice of the Peace for collection.
4. Have at least one city clean-up day a year. A reasonable fee could be paid before pick-up.
5. City employees need to be accountable for their performance. Suggest a written work-log to be reviewed by the council with follow-up...are things getting done? Are city employees using city time and resources for outside work? (Double-dipping, ie. Sweet Grass Water System)
6. In order for our city government to be effective, decisions made by the council need to be actively supported by each member of the council. Also each council member should assume chairmanship of one of the following areas:
 - a. water and sewer
 - b. garbage and clean-up
 - c. streets
 - d. gas

1. The first part of the paper discusses the importance of maintaining accurate records of all transactions.

2. It then goes on to describe the various methods used to collect and analyze data.

3. The next section deals with the results of the study, which show a significant correlation between the variables.

4. Finally, the paper concludes by discussing the implications of the findings and suggesting areas for further research.

5. The authors also provide a list of references to the sources used in the study.

6. In addition, they include a table of data that summarizes the key findings of the study.

7. The paper is well-written and easy to read, making it a valuable resource for anyone interested in the topic.

8. Overall, the study provides a comprehensive overview of the current state of research in this field.

9. The authors have done a great job of presenting their findings in a clear and concise manner.

Minutes for the Sunburst Study Commission
January 18, 2005

The meeting was called to order by Dan Kimmet at 7 p.m. The meeting was held in the City Hall with Dan Kimmet, Mary Chamberlain, Nancy Linnell, Rita Christopherson, and Janis Rolfe in attendance.

As this was our first meeting, there was no old business.

New Business:

1. Election of chairperson—Dan Kimmet was nominated by Mary Chamberlain and seconded by Jan Rolfe. The motion carried.
2. Election of Secretary—Dan Kimmet nominated Janis Rolfe, Nancy Linnell seconded, and the motion carried.
3. The remainder of the meeting was devoted to drawing up the questions for the citizen survey to be included in the next bill. Jan will get these typed and ready for Rita to copy and insert in the bills.
4. The next meeting will be held Feb. 23, 2005 at 7 p.m. at City Hall.
5. Dan adjourned the meeting.


Janis Rolfe, Secretary


Dan Kimmet, Chairman

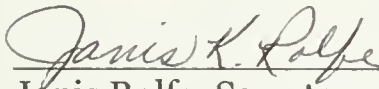
Minutes for the Sunburst Study Commission
February 23, 2005

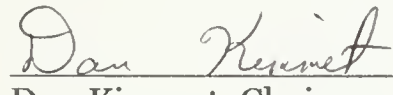
The meeting was called to order by Dan Kimmet at 7 p.m. The meeting was held in the City Hall with Dan Kimmet, Mary Chamberlain, Rita Christopherson, and Janis Rolfe in attendance.

Old Business: 142 surveys were sent out.

New Business:

1. Nancy Linnell compiled a summary of information from the 30 returned surveys and gave to Dan Kimmet for this meeting.
2. Rita gave us copies of the 1995 Report. It was noticed that we need to keep minutes of our meetings and Jan will have them for the next meeting.
3. It was decided that our form of government is adequate but that people want the Mayor and City Council to be more involved with citizen issues.
4. The rest of the meeting was devoted to: Our Recommendations to the Council and Mayor.
5. We decided to provide copies of the survey findings to each member of the council; Jan will draw up a cover letter to accompany it.
6. It was decided that we would all try to attend the next City Council Meeting on March 8.
7. Jan was asked to put the date of our next meeting, March 14, 2005, in the Shelby Promoter.
8. Dan Kimmet adjourned the meeting so that the final decisions for our report can be made with all members present.


Janis Rolfe, Secretary


Dan Kimmet, Chairman

Minutes of Sunburst Study Commission
March 14, 2005

Dan Kimmet called the meeting to order at 7 p.m. at City Hall. Members of the Study Group present were Dan Kimmet, Nancy Linnell, Mary Chamberlain, and Jan Rolfe. Rita Christopherson was also present.

Old Business:

1. Minutes from our last two meetings were read by Jan Rolfe and were approved.
2. We went over the items that we felt were necessary to include in our findings report.

New Business:

1. We added one more item to the findings report—to more effectively run the city council needs to be supportive of their decisions. We also discussed the suggestion to have each city council member head up an area of concern ie., water and sewer, garbage and clean-up, streets, and gas.
2. We also noted that no one came to any of our public meetings.
3. Next meeting will be on March 29, 2005 to sign the final report.
4. The meeting was adjourned by Dan Kimmet.


Janis Rolfe, Secretary


Dan Kimmet, Chairman

Dear Fellow Citizens of Sunburst,

As your newly appointed Government Review Study Commission we would like to ask for your response to the following questions. We know that unless we all take the time and make the effort to give of our ideas our town will never develop to the extent that is possible.

Please return this survey to City Hall by Feb. 15th, 2005. Thank you!

Dan Kimmet, Chrm. Nancy Linnell Mary Chamberlain Jan Rolfe, Sec.

1. How can we improve the hiring and evaluation of town employees? What would you recommend to encourage accountability of time use and work performance of town employees?
2. How can your town government better meet your needs without additional money?
3. If you had a problem that needed to be handled by the Mayor or Town Council, do you believe they would listen to your concerns and treat you fairly? (Please give a reason for your answer.)
4. What could the town do to encourage people to live here?
5. What specific recommendations would you like the town to make to the law enforcement officials?

6. How should priorities be made for maintenance of streets and city property?

7. Would you be in favor of an annual "clean-up" day? If so, how should it be handled? Would you prefer once or twice a year? What would you be willing to pay for appliances or other large/special items to be picked up?

8. What would be the best way to encourage people to maintain/beautify their property according to the ordinances? How could it be enforced?

9. If I had to vote tomorrow I would vote to: (circle a or b)
a. Keep town government the same as it is.
b. Make the following changes:

10. Do you have any other comments or recommendations that you would like the local Government Review Study Commission to consider?

MONTANA
DEPARTMENT OF COMMERCE

Local Government Assistance Division
Local Government Services-Systems Program
1424 9th Avenue PO Box 200501
Helena, MT 59620-0501

Phone: (406) 444-3010
FAX: (406) 444-9785
TDD: (406) 444-2978

August 30, 1995

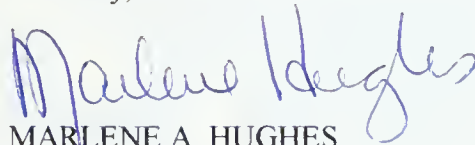
Mr. Harold Chambers
Montana State Library
1515 E. Sixth Avenue
PO Box 201800
Helena, MT 59620-1800

Mr. Chambers:

In accordance with Section 7-3-187, MCA, local government study commissions are to file two copies of their final report with the department of commerce, local government services bureau. One of these copies is to be forwarded by the department of commerce to the state library.

Enclosed you will find a copy of the Town of **Superior's** decision regarding the 1994 study commission.

Sincerely,



MARLENE A. HUGHES
Administrative Assistant

Enclosure



89173
Town of Superior

P.O. Box 726
Superior, Montana 59872
(406) 822-4672

RECEIVED
AUG 28 1995
LOCAL GOVERNMENT
SERVICES BUREAU

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APPENDIX

- Exhibit A: Certificate of plan of existing form of government
- Exhibit B: Certificate of plan of proposed form of government
- Exhibit C: Certificate establishing Apportionment Plan
- Exhibit D: Certificate establishing election date
- Exhibit E: Certificate establishing form of the ballot

I. LETTER TO THE CITIZENS OF THE TOWN OF SUPERIOR

To the Citizens of the Town of Superior:

The Superior Local Government Study Commission elected by the voters on November 8, 1994, or thereafter appointed, present this final report to you, the citizens of the Town of Superior.

The purpose of the study commission, as defined in state law, is to study the existing form and powers of a local government and procedures for delivery of local government services and to compare them with other forms available under the laws of the state. After completing the two phases of the study it is the responsibility of the study commission to submit a final report recommending no change, or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

In every phase of this review this study commission sought advice and information from as many people in the town as possible. Opinions and recommendations were solicited from local and state government officials, community organizations, and individuals and groups of citizens. All meetings of the study commission were open to the public. Commission members appeared before various community groups to explain the work of the commission, and also to hear the viewpoints, ideas, and concerns of those present. More than a dozen advertised and scheduled public hearings were held.

Our recommendations reflect the thoughts and opinions of those who participated in public hearings, attended our regular meetings, or who shared their concerns with us on the streets or other personal contacts.

In this final report we present our recommendations for an alternative form of government that we feel will provide the governmental services and protection of rights expected by the people both today and in the future. Our concern has been to provide a form of government that will be responsive to local citizens and provide the opportunity for devising solutions to local problems. We feel the citizens of the Town of Superior can achieve these goals by adopting the Charter form of government with self-governing powers. The exercise of these rights and powers are provided to us by both the Constitution of the State of Montana and the laws of the State of Montana.

RECEIVED
AUG 28 1995
LOCAL GOVERNMENT
SERVICE BUREAU



80173

The question of adopting this alternative form of government will be placed on the ballot November 7, 1995. We solicit your support for its adoption.

Respectfully submitted,

Dennis Hill

John A. Anderson

Laurence R. Rice

Superior Local Government Study Commission

II. SUMMARY OF RECOMMENDATIONS

The Superior Local Government Study Commission having thoroughly studied our town's present form of government and the alternative forms of government available to towns under state law, and having studied the future governmental needs of this town, recommends the following:

1. The town of Superior should adopt, effective January 1, 1996, a Charter with self-governing powers.
2. The question on the form of government shall be submitted to the voters of the Town of Superior on November 7, 1995.

A. Findings of the Study Commission

After an intensive study and research of the past ten months, it is the decision of the study commission to recommend changes in the direction and power of the town government that will provide a governmental framework to meet the changing needs of this town. Problem areas that were identified during the course of the study by research, discussion, public hearings and citizen concerns indicate that in exercising its traditional functions the town lacks the authority it needs. If the local government is to play a more responsive role it must have the legal authority to act. The current form of government of the town still reflects its traditional role as an administrative arm of the state government in its organizational structure. Its duties are detailed in state law, and its authority to deal with local problems is limited.

Other areas of concern also emerged during the course of the study which affected the choice of an alternative form. Citizen response indicated that they want their rights protected that seem to slowly be eroding away, and checks and balances between the citizens the local government. These frustrations and expectations of citizens and local officials alike, in addition to the changing needs of the town government, led the study commission to identify the following basic goals:

1. Local control over local problems;
2. A government body that is responsive to its citizens;
3. A government structure with adequate checks and balances;
4. A protection of the rights of the people;

B. Key Provisions of the Proposed Form

1. General Provisions provide for self-governing powers; protection of the rights of the people; limitation of taxes without voter approval; and provisions for establishing executive, legislative and administrative authority.

2. Town Council Provisions provide for the Legislative branch of government; responsibility, composition, powers and duties of the Council; and terms of office, elections and procedures of the council.

3. Mayoral Provisions provide for the Executive branch of government, its term of office and election; and powers duties and legislative authority.

4. City Court Provisions identifies the Judicial branch of government as provided by the laws of the State of Montana.

5. Department Structure Provisions provide for organization of the town department.

6. Miscellaneous Provisions provide for Charter amendment, effective date, qualifications and vacancy of office; recall initiative and referendum options; and power and authority of resolutions and ordinances; and

7. Transitional Provisions provide for the transition from the current form to the Charter form of government; continuation in office of current office holders and employees during transition; and the review of all resolutions, ordinances and rules of the Town of Superior.

TOWN OF SUPERIOR
COMPARISON OF SPECIFIC CHARACTERISTICS OF THE
MAYOR-COUNCIL AND CHARTER FORMS OF GOVERNMENT

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
FORM OF GOVERNMENT	MAYOR-COUNCIL Elected council performs policy making functions. Elected mayor administers government with the advice and consent of the council.	CHARTER Elected council performs policy making functions. Elected mayor administers government with the advice and consent of the council.	No change.
POWERS	General government powers.	Self-government powers	Self-government powers bring to the town the power to act in its own best interest, and flexibility in shaping government structure.
GOVERNING BODY	Council and mayor responsible for all legislative, executive and administrative functions.	Council and mayor responsible for all legislative, executive and administrative functions.	No change.
Size	6 council members elected from wards in nonpartisan elections. Mayor elected at large.	6 council members elected from wards in nonpartisan elections. Mayor elected at large.	No change.
Term	Four year overlapping terms.	Four year overlapping terms.	No change.
Presiding Officer	Mayor.	Mayor.	No change.
CHIEF ADMINISTRATIVE OFFICER	The elected mayor administers the government on a part time basis.	The elected mayor administers the government on a part time basis.	No change.
Powers and Duties	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	The mayor carries out the policies of the council, advises the council, executes the budget, and enforces laws, ordinances and resolutions.	No change.
Appointment Powers	The mayor appoints department heads and members of boards and commissions with the consent of the council.	The mayor appoints department heads and members of boards and commissions with the consent of the council.	No change.
Budget Preparation	Mayor prepares budget with department heads. Budget is then modified and approved by the city council.	Mayor prepares budget with department heads. Budget is then modified and approved by the city council.	No change.



CERTIFICATE
ESTABLISHING THE EXISTING PLAN OF GOVERNMENT
FOR THE
TOWN OF SUPERIOR, MONTANA

If retained by the voters, the government of Superior shall remain organized under the following provisions of 7-3-113, M.C.A. which authorizes the municipal council-mayor form of government.

7-3-113. Statutory basis for municipal council-mayor government.

(1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977 by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(3); Authorized by 7-4-4103(4) M.C.A.
- (j) 7-3-218(2);
- (k) 7-3-219(2); (City Resolution authorizes nonpartisan elections pursuant to 13-1-104(1) M.C.A.)
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

These sections establish the following form of government which shall be called the COMMISSION-EXECUTIVE FORM.

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. **Nature of government.** The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-203. **Duties of the executive.** The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;
- (7) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission;
- (11) appoint, with the consent of the commission, all members of boards; except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-212. **Administrative assistants.** The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213. **Supervision of personnel.** The executive may appoint, with the consent of a majority of the commission, all department heads and remove departments heads and may appoint and remove all other department employees.

7-3-214. **Veto power.** The executive may veto ordinances and resolutions, subject to override by a two-thirds vote of the commission.

7-3-215. **Preparation of budget.** The executive may prepare the budget in consultation with the commission and department heads.

7-3-216. **Administrative supervision and control.** The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217. **Financial officer.** A financial officer (who may be called the treasurer) shall be selected as provided by ordinance.

7-3-218. **Selection of commission members.** The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219. **Type of election.** Local government elections shall be conducted on a nonpartisan basis.

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS

ARTS AND SCIENCES CAMPUS

5408 S. UNIVERSITY AVE.

CHICAGO, ILL. 60637

TEL: 773-936-5000

FAX: 773-936-5001

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CHICAGO, ILL. 60637

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7-3-220. Chairman of commission. The commission shall have a chairman who shall be elected by the members of the commission from their own number for a term established by ordinance.

7-3-221. Presiding officer of the commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222. Terms of commission members. Commission members shall be elected for overlapping terms of office.

7-3-223. Size of commission and community councils. The size of the commission shall be six (6), and community councils to advise commissioners may be authorized by ordinance.

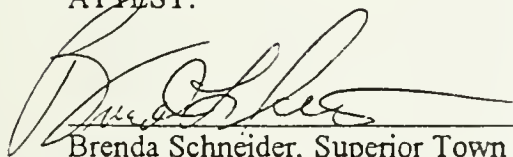
7-3-224. Terms of elected officials. The term of office of elected officials shall be four (4) years.

We, the Study Commissioners of the Town of Superior do hereby certify that this is the existing Plan of Government as established by Section 7-3-113 M.C.A.

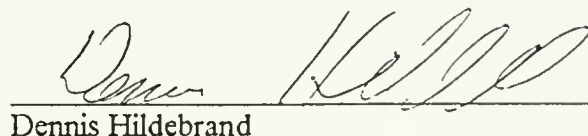
In testimony whereof, we set our hands.

Done at Superior, Montana this 23 day of August, 1995.

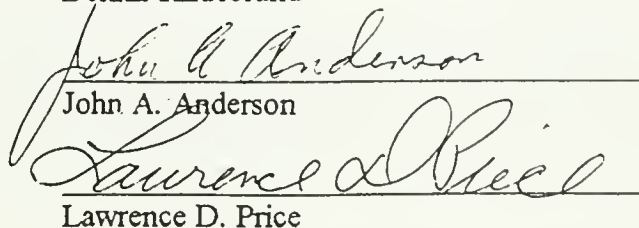
ATTEST:



Brenda Schneider, Superior Town Clerk



Dennis Hildebrand



John A. Anderson

Lawrence D. Price

CERTIFICATE
ESTABLISHING THE PROPOSED CHARTER
FOR
THE TOWN OF SUPERIOR

PREAMBLE

WE, THE PEOPLE OF THE TOWN OF SUPERIOR, COUNTY OF MINERAL, STATE OF MONTANA, in accordance with the Constitution of the United States of America and the Constitution of the State of Montana, do adopt this Charter to provide us with greater control over the internal affairs of our Town, increased freedom to act in solving our own problems and for the protection of our rights. We embrace the Constitution of the United States of America, the Constitution of the State of Montana and the powers thereby granted to Charters under the laws of the State of Montana. We assert that this Charter is the embodiment of the contract between the citizens of the Town of Superior and themselves.

ARTICLE I
GENERAL PROVISIONS

Section 1.01 Powers of the Town of Superior

Under this Charter the Town of Superior shall have self-governing powers as provided by the Constitution of the State of Montana and laws of the State of Montana. This government may exercise any power, or provide any service, or perform any function not prohibited by the Constitution of the United States of America, the Constitution of the State of Montana, the laws of the State of Montana, or this Charter.

Section 1.02 Interpretation of Powers

As provided by Article XI of the Constitution of the State of Montana the powers and authority of the Town of Superior under this Charter shall be liberally construed. Every reasonable doubt as to the existence of a town power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Form of Government

As provided by the Constitution of the State of Montana and the laws of the State of Montana the form of government for the Town of Superior is a Charter with self-governing powers.

Section 1.04 Rights of the People

As provided by Constitution of the United States of America and by Article II of the Constitution of the State of Montana concerning rights of the people, all rights shall be reserved to each person.

1900

1900

1900

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1900

Section 1.05 Restrictions

The mill levy shall be limited to that of Montana municipal governments with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special municipal election.

Section 1.06 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of the State of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

Section 1.07 Oath of Office

Before entering upon the duties of office, all elected or appointed town officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3, of the Constitution of the State of Montana.

ARTICLE II TOWN COUNCIL

Section 2.01 Legislative Branch

The legislative branch shall consist of the Town Council that will be the governing body of the town.

Section 2.02 Responsibility

The primary role of the governing body shall be to protect the rights and to represent the interests of the citizens of the Town of Superior.

Section 2.03 Composition

The Town of Superior shall have a Town Council of six (6) members; two (2) elected from each of three (3) wards.

Section 2.04 Powers and Duties

The Council shall be the legislative and policy determining body of the Town. All legislative powers not reserved to or denied by the Constitution of the United States of America, the Constitution of the State of Montana, the laws of the State of Montana, or this Charter shall be vested in the Town Council. The Town Council shall provide for the exercise of powers and for the performance of all duties and obligations imposed on the town by this Charter. The council may override the mayor's veto with four (4) affirmative council votes.



Section 2.05 Term of Office

Members of the Town Council shall be elected for four (4) year overlapping terms of office.

Section 2.06 Election

Local government elections shall be conducted on a nonpartisan basis. Town Council members shall be elected by wards in which candidates and council members must reside and which are apportioned by population. One council member from each ward shall be elected every two years.

Section 2.07 President of the Town Council

The council shall have a president who shall be elected by the members of the council from their own number for a term established by ordinance. The president of the council shall preside when the mayor is absent. In the absence of the president, the council may appoint one of its members to act in his or her place.

Section 2.08 Procedure

The Town Council shall establish by ordinance its rules of procedure and time and place of meetings.

ARTICLE III MAYOR

Section 3.01 The Executive Branch

The mayor shall be the chief executive officer of the town.

Section 3.02 Term of Office

The mayor shall be elected for a four (4) year term of office.

Section 3.03 Election

The mayor shall be nominated and elected at-large on a nonpartisan basis.



Section 3.04 Powers and Duties

The mayor shall:

1. enforce laws, ordinances, and resolutions;
2. perform duties required of him by law, ordinance or resolution;
3. administer affairs of the local government;
4. carry out policies established by the council;
5. recommend measures to the council;
6. report to the council on the affairs and financial condition of the local government;
7. execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
8. report to the council as the council may require;
9. preside at council meetings and may take part in discussion;
10. execute the budget adopted by the council;
11. appoint, with the consent of the council, all members of boards; except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor.

Section 3.05 Administrative Duties

The mayor may:

1. prepare the budget in consultation with the council and department heads;
2. appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint all department heads with the consent of a majority of the council;
4. remove department heads;
5. appoint and remove all other department employees;
6. exercise control and supervision of all departments and boards, unless delegated.

Section 3.06 Legislative Authority

The mayor shall decide all tie votes of the council, but shall have no other vote. The mayor may veto ordinances and resolutions, subject to override by four (4) affirmative council votes.

ARTICLE IV CITY COURT

Section 4.01 Judicial Branch

The judicial branch shall be a city court as provided by the laws of the State of Montana.



ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 Organization of Departments

The organization of town departments shall be prescribed by resolution or ordinance.

ARTICLE VI MISCELLANEOUS PROVISIONS

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed in the laws of the State of Montana.

Section 6.02 Effective Date

This Charter shall become effective on January 1, 1996.

Section 6.03 Qualification for Office

All elected officials of the Town of Superior shall meet and retain the eligibility requirements as required by Article IV, of the Constitution of the State of Montana. All elected officials of the Town of Superior must be a resident of the Town of Superior and the council members must be a resident of the ward they represent.

Section 6.04 Vacancy in Office

An elected office under this Charter becomes vacant as prescribed by the laws of the State of Montana. When any vacancy occurs in any elective office, this position shall be considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall, by majority vote of the members, appoint a qualified person within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 6.05 Recall, Initiative and Referendum

As provided by the Constitution of the State of Montana and the laws of the State of Montana, the qualified electors may recall elected officials; and may revise, repeal, or enact any resolution, ordinance or rule of the Town of Superior.

Section 6.06 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby.



Section 6.07 Power and Authority of Resolutions and Ordinances

All resolutions and ordinances created by the Town Council before the adoption of this Charter shall be reviewed in accordance with Section 7.03 of this Charter and after review shall carry the same authority and power as if they had been written under this Charter.

ARTICLE VII TRANSITIONAL PROVISIONS

Section 7.01 General Transition

Transition to this Charter form of government shall be as prescribed by the laws of the State of Montana. The council may provide for such transition by resolution, ordinance or rule not inconsistent with the laws of the State of Montana.

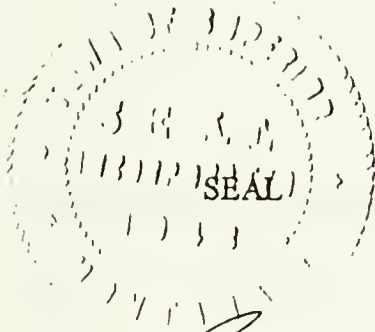
Section 7.02 Continuation in Office

No town employee or elected official currently holding a town office will lose employment or elected position solely because of the adoption of this Charter. Existing elected officials shall continue in office until the end of the term for which they were elected.

Section 7.03 Review of Existing Ordinances

All resolutions, ordinances and rules of the Town of Superior shall remain in effect until reviewed, revised or repealed by the Town Council. The Town Council shall review and, where necessary, revise or repeal all town resolutions, ordinances and rules to provide for compliance and consistency with this Charter no later than March 30, 1996.



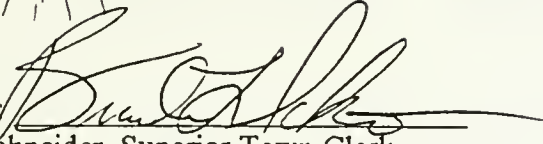


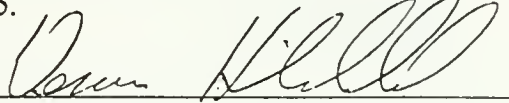
We, the Study Commission of the Town of Superior do hereby certify that this is the proposed plan of government approved by the Study Commission of the Town of Superior.

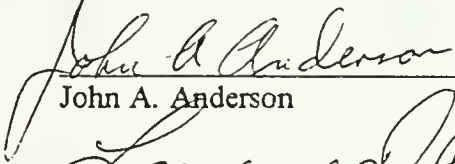
In testimony whereof, we set our hands.

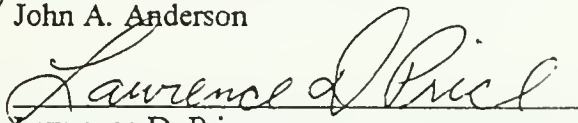
Done at Superior this 23 day of August 1995.

ATTEST:


Brenda Schneider, Superior Town Clerk


Dennis Hildebrand


John A. Anderson


Lawrence D. Price



CERTIFICATE

FOR THE APPORTIONMENT
OF COMMISSIONER DISTRICTS

Wards described by census block with population and deviation from ideal are shown.

WARD	IDEAL POPULATION	1990 POPULATION	% DEVIATION FROM IDEAL POPULATION
1	294	290	-1.36
2	294	292	-0.68
3	294	299	1.70

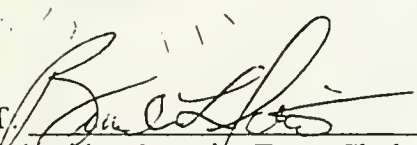
NOTES:

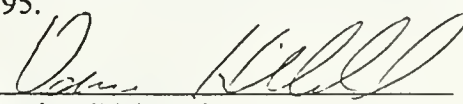
1. Ideal population is calculated by dividing the total 1990 population of the Town of Superior by the number of town wards ($879/3 = 294$).
2. The 1990 population is derived from the U.S. Bureau of the Census 1990 TIGER and P.L. 94-171 Digital Data Files.

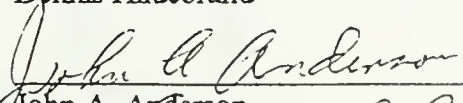
We, the Study Commissioners of the Town of Superior do hereby certify that this is the official apportionment plan for town wards approved by the Superior Local Government Study Commission.

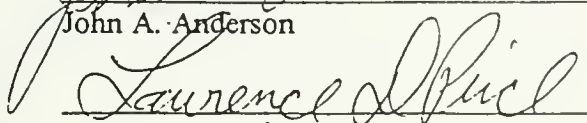
In testimony whereof we set our hands.

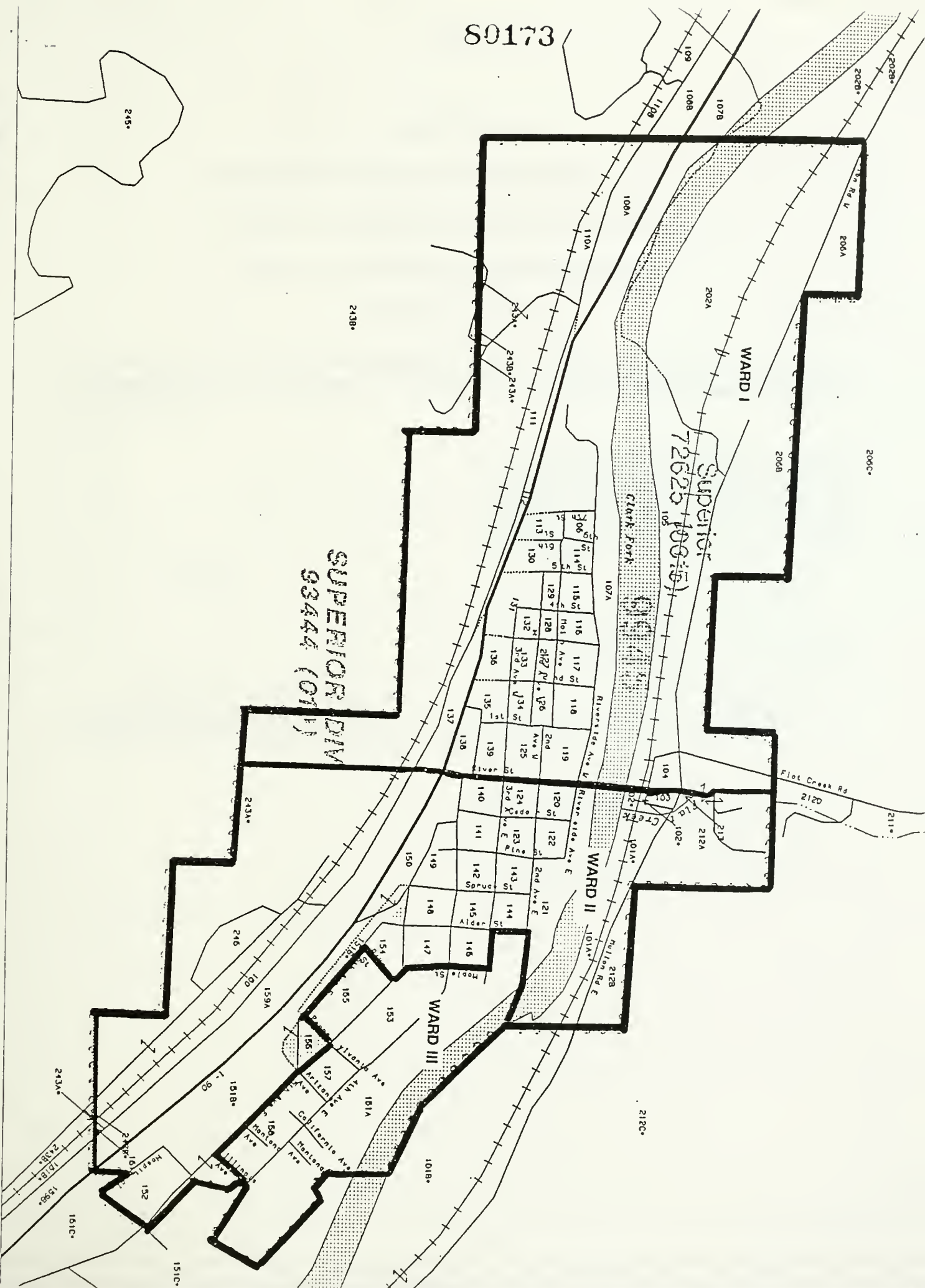
Done at Superior this 23 day of August, 1995.

ATTEST. 
Brenda Schneider, Superior Town Clerk


Dennis Hildebrand


John A. Anderson


Lawrence D. Price



CERTIFICATE

ESTABLISHING THE DATE OF THE SPECIAL ELECTION
AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT
SHALL BE PRESENTED TO THE ELECTORS OF
SUPERIOR, MONTANA

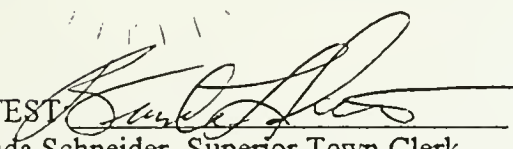
The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of Superior at a special election to be held with the general election on November 7, 1995.

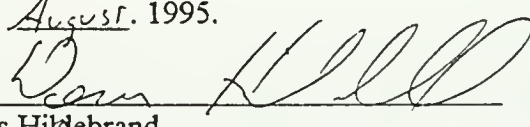
We, the Study Commissioners of the Town of Superior do hereby certify that this is the date of the special election approved by the Superior Local Government Study Commission.

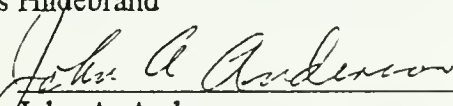
In testimony whereof, we set our hands.

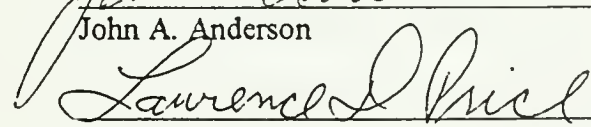
Done at Superior, Montana this 23 day of August, 1995.

ATTEST


Brenda Schneider, Superior Town Clerk


Dennis Hildebrand


John A. Anderson


Lawrence D. Price

CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT FOR
THE NOVEMBER 7, 1995 SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT

BALLOT ON THE ALTERNATIVE FORM OF GOVERNMENT

Vote for One.

☐

FOR adoption of the self-government charter with the commission-executive plan of government proposed for Superior proposed by the Superior Local Government Study Commission.

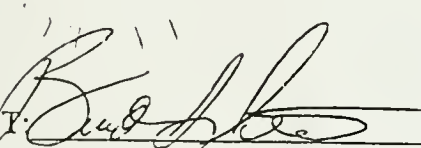
☐

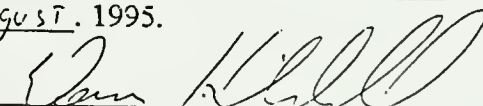
FOR the existing form of government.

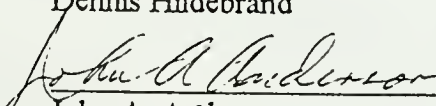
We, the Study Commissioners of the Town of Superior do hereby certify that this is the official ballot approved by the Superior Local Government Study Commission.

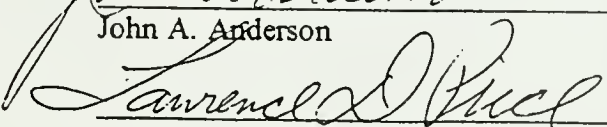
In testimony whereof, we set our hands.

Done at Superior, Montana this 23 day of August, 1995.

ATTEST: 
Brenda Schneider, Superior Town Clerk


Dennis Hildebrand


John A. Anderson


Lawrence D. Price

